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CIVIL AND POLITICAL RIGHTS INCLUDING QUESTIONS OF TORTURE AND DETENTION

Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 1999/32*

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Executive summary

The Special Rapporteur, Sir Nigel Rodley, submits his seventh report to the Commission. Chapter I deals with aspects of the mandate and methods of work. Chapter II summarizes his activities in 1999. Chapter III contains a summary of communications sent by the Special Rapporteur and replies from Governments, from 11 December 1998 to 15 December 1999. The Special Rapporteur transmitted information to or received responses from 77 countries. He sent more than 147 urgent appeals on behalf of more than 450 identified individuals. Observations by the Special Rapporteur on the situation with respect to allegations of torture in several countries are included.

During the period under review the Special Rapporteur undertook four missions. The report on the visit to Romania (19-29 April) is contained in Addendum 3 to the present report; the report on the visit to Cameroon (12-20 May) in Addendum 2; and the report on the visit to Kenya (20-29 September) in Addendum 4. He also undertook a joint mission to East Timor with the Special Rapporteurs on extrajudicial, summary or arbitrary execution and on violence against women, its causes and consequences (see A/54/660, transmitted to the Commission in document E/CN.4/2000/115).

Regarding country visits, the Government of China has invited the Special Rapporteur to visit that country. The Permanent Representative of Azerbaijan to the United Nations Office at Geneva gave an initial positive reaction to the Special Rapporteur's request sent in 1999 to visit his country. The Deputy Permanent Representative of Brazil, pending a formal invitation from the Government, expressed his hope that a mission by the Special Rapporteur to Brazil would come to fruition. The Special Rapporteur's requests to visit India, Indonesia, Bahrain, Egypt, Tunisia and Algeria have not resulted in invitations.

No mandate-related issues have arisen during the year under review. The methods of work of the Special Rapporteur have been those followed previously, as approved most recently by the Commission in its resolution 1999/32, paragraph 21. In particular, he has continued to seek cooperation with holders of other Commission mandates to avoid duplication of activity in respect of country-specific initiatives.

A significant development for the mandate was the invitation, contained in General Assembly resolution 53/139, paragraph 24, and Commission resolution 1999/32, paragraph 29, for the Special Rapporteur to present an interim report to the fifty-fourth session of the General Assembly on overall trends and developments with regard to his mandate. In November 1999, he accordingly submitted a report (A/54/426) to the Third Committee of the General Assembly under agenda item 116 (a).

Annexed to his main report are the Principles on the effective documentation of torture and other cruel, inhuman or degrading treatment or punishment, from the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, also known as the Istanbul Protocol. This manual is intended to provide international guidelines for the assessment of individuals who allege torture and ill-treatment, for the investigation of cases of alleged torture and for the reporting of such findings to judicial and investigative bodies. The Special

Rapporteur is of the view that the manual will be an important tool for States in carrying out investigations concerning allegations of torture or ill-treatment.

Introduction

1. The mandate of the Special Rapporteur on torture, assigned since April 1993 to Sir Nigel Rodley (United Kingdom), was renewed for three more years by the Commission on Human Rights in its resolution 1998/38. In conformity with this Resolution, the Special Rapporteur hereby submits his seventh report to the Commission. Chapter I deals with aspects of the mandate and methods of work. Chapter II summarizes his activities in 1999. Chapter III contains a summary of communications sent by the Special Rapporteur and replies from Governments, from 11 December 1998 to 15 December 1999. Chapter IV contains the Special Rapporteur's conclusions and recommendations.

2. In addition to the above-mentioned resolution, several other resolutions adopted or reaffirmed by the Commission on Human Rights at its fifty-fifth session are also pertinent within the framework of the mandate and have been taken into consideration by the Special Rapporteur in examining and analysing the information brought to his attention. These resolutions are, in particular: 1999/31, "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers"; 1999/33, "The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms"; 1999/34, "Impunity"; 1999/35, "Extrajudicial, summary or arbitrary executions"; 1999/36, "Right to freedom of opinion and expression"; 1999/37, "Question of arbitrary detention"; 1999/38, "Question of enforced or involuntary disappearances"; 1999/39, "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief"; 1999/42, "Elimination of violence against women"; 1999/47, "Internally displaced persons"; 1999/66, "Implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms".

I. MANDATE AND METHODS OF WORK

3. No mandate-related issues have arisen during the year under review. The methods of work of the Special Rapporteur have been those followed previously, as approved most recently by the Commission in its resolution 1999/32, paragraph 21, and by the General Assembly in its resolution 54/156, paragraph 16. In particular, he has continued to seek cooperation with holders of other Commission mandates to avoid duplication of activity in respect with country-specific initiatives. Thus, he has sent urgent appeals, transmitted information alleging violations within his mandate to Governments and sought missions to Member States, in conjunction with the following mechanisms: the Working Groups on Enforced or Involuntary Disappearances and on Arbitrary Detention; the Special Rapporteurs on extrajudicial, summary or arbitrary executions; the independence of judges and lawyers; the promotion and protection of the right to freedom of opinion and expression; violence against women, its causes and consequences; the situation of human rights in the Democratic Republic of the Congo; the Special Representative of the Commission on the

situation of human rights in the Islamic Republic of Iran; the Special Representative of the Secretary-General on internally displaced persons.

II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

4. A significant development for the mandate was the invitation, contained in General Assembly resolution 53/139, paragraph 24, and Commission resolution 1999/32, paragraph 29, for the Special Rapporteur to submit an interim report to the fifty-fourth session of the General Assembly on overall trends and developments with regard to his mandate. In November 1999, he accordingly submitted his report (A/54/426) to the Third Committee under agenda item 116 (a). Finally, in its resolution 54/156, the General Assembly requested the Special Rapporteur to submit an interim report to it at its fifty-fifth session.

5. During the period under review the Special Rapporteur undertook four missions. The report on the visit to Romania (19-29 April 1999) is contained in Addendum 3 to the present report; the report on the visit to Cameroon (12-20 May 1999) in Addendum 2; and the report on the visit to Kenya (20-29 September 1999) in Addendum 4. In accordance with Commission resolution S/4/1 of 27 September 1999 on the situation of human rights in East Timor, he also undertook a joint mission to East Timor with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on violence against women, its causes and consequences. The report on the visit (A/54/660) is transmitted to the Commission in document E/CN.4/2000/115.

6. By letter dated 15 February 1998, the Government of China extended an invitation to the Special Rapporteur to visit that country, for which he is most grateful. The Permanent Representative of Azerbaijan to the United Nations Office at Geneva gave an initial positive reaction to the Special Rapporteur's request, sent in 1999, to visit his country. The Deputy Permanent Representative of Brazil, pending a formal invitation from the Government, expressed his hope that a mission by the Special Rapporteur to Brazil would come to fruition. The Special Rapporteur's requests to visit India, Indonesia, Bahrain, Egypt, Tunisia and Algeria have not resulted in invitations.

7. In March 1999, the Special Rapporteur participated in a meeting in Istanbul which completed the drafting process of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, also known as the Istanbul Protocol. The conceptualization and preparation of the manual was a three-year collaborative effort between forensic doctors, physicians, psychologists, human rights monitors and lawyers representing 41 organizations or institutions from 15 countries. In August 1999, the manual was presented to the United Nations High Commissioner for Human Rights at a meeting in Geneva, at which the Special Rapporteur was present. It is intended to provide international guidelines for the assessment of individuals who allege torture and ill-treatment, for the investigation of cases of alleged torture, and for the reporting of such findings to judicial and investigative bodies. Annexed to the present report are the "Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment", which are included as an appendix to the Istanbul Protocol.

8. The Special Rapporteur was elected Chair of the sixth Meeting of Special Rapporteurs/Representatives, Independent Experts and Chairpersons of the Working Groups of the Commission on Human Rights (31 May-4 June 1999). In this quality, he attended the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (6-8 December 1999). The Special Rapporteur also participated in several conferences, including a conference on "Investigating and combating torture" organized by the University of Chicago (4-7 March 1999), the 4th Biennium Meeting of the International Human Rights Network of Academies and Scholarly Societies in Stockholm (6 May 1999), a meeting on "Ethical values in politics" convened by the Government of Norway in Oslo (26 June 1999), and a workshop on the issue of torture organized by the Organization for Security and Co-operation in Europe in Pristina (9-11 December 1999). On 19 November 1999, he addressed the participants of an international conference entitled "The prevention of torture at the dawn of a new millennium", organized by the Council of Europe for the 10th anniversary of the European Committee for the Prevention of Torture.

III. INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

9. During the period under review, the Special Rapporteur sent 60 letters to 56 countries on behalf of about 700 individuals and 32 groups involving about 3,000 persons. About 150 were known to be women and 50 were known to be minors. The Special Rapporteur also sent 20 letters reminding Governments of a number of cases that had been transmitted in previous years. Together with individual cases the Special Rapporteur also transmitted to Governments 21 allegations of a more general nature. The Special Rapporteur sent 144 urgent appeals to 51 Governments on behalf about 430 individuals (of whom about 35 were known to be women and 45 to be minors) and 15 groups involving about 1,500 persons with regard to whom fears that they might be subjected to torture and other forms of ill-treatment had been expressed. In addition, 26 Governments provided the Special Rapporteur with replies on 155 cases submitted during the year under review, whereas 24 did so with respect to some 350 cases submitted in previous years.

10. This chapter contains, on a country-by-country basis, summaries of general allegations, individual cases, as well as of urgent appeals, and government replies. Observations by the Special Rapporteur have also been included where applicable. In view of the fact that most States have not been given sufficient time to respond to letters transmitting allegations, the Special Rapporteur has sought to avoid, in his observations at the end of country entries, reference to allegations transmitted during the year. Due to the late despatch of several regular communications in English, Governments did not have sufficient time to respond to allegations. Thus, the Special Rapporteur has not drawn any conclusions in relation to these allegations. As indicated last year, information provided by Governments regarding the Special Rapporteur's recommendations made after visits in previous years to Chile, Colombia, Mexico and Venezuela, have been included in Addendum 1 to the present report. Owing to a lack of resources, the Special Rapporteur was not able to complete the study on human rights defenders to which he referred in his report to the General Assembly.

Afghanistan

Regular communications and replies received

11. The Special Rapporteur has received information on alleged acts of torture and other forms of ill-treatment which were said to have occurred in August 1998 when the Taliban reportedly seized the town of Mazar-I-Sharif. The allegations received were consistent with those received by the Special Rapporteur on the situation of human rights in Afghanistan, a summary of which may be found in his interim report to the General Assembly (A/53/539). A reply from the Embassy of the Islamic Emirate of Afghanistan in Islamabad may also be found in that report.

Urgent appeals and replies received

12. On 24 March 1999, the Special Rapporteur sent a joint urgent appeal in conjunction with the Special Rapporteur on violence against women, its causes and consequences, on behalf Farzana, a young pregnant woman who had reportedly been found guilty of extra-marital sexual intercourse. She was due to be publicly flogged after the birth her baby which was expected to be delivered in a few weeks' time. Her co-accused, Sayed Sarwar, who had also been found guilty of adultery, had reportedly been publicly lashed one hundred times at a school football ground in Kabul.

Albania

Regular communications and replies received

13. By letter dated 8 November 1999, the Special Rapporteur reminded the Government of a number of cases submitted in 1998 regarding which no reply had been received.

Algeria

Regular communications and replies received

14. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information on the cases described below, concerning which the Government replied by letter dated 15 November 1999.

15. Ahmed Jalal was allegedly arrested on 20 December 1992 while participating in demonstrations in support of the Islamic Salvation Front, of which he has been a member since September 1989. He was reportedly accused of murder and interrogated for one week. He was allegedly forced to swallow detergents, which caused diarrhoea, his penis was crushed in a drawer and he was sodomized by one of his interrogators. He was then transferred to Lambasa prison in Tazoult, Batna province, where he spent five years. In late March 1998 he was transferred to a hospital, from which he escaped on 9 April 1998.

16. Mohamed Ouarti was allegedly accused of involvement in the killing of a young woman who was part of the national security force. He was reportedly arrested on 11 April 1993 at his home in Algiers by members of the national police force. He was suspended from handcuffs attached to his wrists by masked persons, burnt with a blowtorch and subjected to electric shock. He was finally admitted to the emergency ward and treated for paralysis of the right hand and

auditory difficulties, as certified in a medical report of which the Special Rapporteur has a copy.

17. The families of the disappeared persons were allegedly beaten, ill-treated and threated by the police while attempting to hold a peaceful demonstration on 31 March 1999 in front of the National Observatory for Human Rights.

18. Mohamed Boukhlaf was allegedly arrested in August 1998, together with his wife, daughter and ten-year-old nephew. He was reportedly tortured at the Bab Djedid police station in Algiers. He is said to have been raped and some of his teeth forcibly extracted. His relatives were reportedly released 11 days later. He was allegedly charged with having contacts with armed groups. He is reportedly still under arrest and his complaints of ill-treatment have never been investigated.

19. The Government stated that because of the lack of significant details in the allegations outlined above, an investigation could not be expedited. With regard to the families of the detainees, it advised the Special Rapporteur that the organization of demonstrations in Algiers and elsewhere is addressed specifically in legislation and regulations which, inter alia, require that authorization be requested and prohibit the participation of minors.

Angola

Regular communications and replies received

20. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information on the cases described below. By letter dated 10 September 1999, the Government advised the Special Rapporteur that it had duly noted the allegations mentioned but could provide no information as long as the legal proceedings, which were confidential, were in progress. It likewise assured the Special Rapporteur that according to article 36 of the Constitution, no one may be punished for any act other than one expressly prohibited by law.

21. Dr. Adriano Pariera, former Permanent Representative of Angola to the United Nations at Geneva and head of the opposition party Partido Angolano Independente, was allegedly arrested on 4 November 1998 in Luanda for misappropriation of public funds. He is said to have been taken into custody a few days after criticising the Government on national television and to have been seated on a small, unstable chair during his interrogation by the National Criminal Investigation Branch the night following his arrest. He was reportedly then kept in solitary confinement for five months and deprived of the treatment required by his state of health, which is now allegedly critical.

22. António Mavungo was allegedly beaten to death in March 1998 by a police officer in Cacongo, Cabinda province, after a dispute over a water source. He was reportedly hit in the head with the butt of a police revolver. The Cacongo police chief allegedly ordered the arrest of the officers, but the order has not been carried out.

23. Antonio Manuel was allegedly arrested by the police in May 1998 near Caculama and stabbed in the back to spell out the word "UNITA".

Observations

24. The Special Rapporteur regrets that, despite his invitation to the Government to provide the relevant information, it has not seen fit to indicate any action being taken in these cases to investigate the allegations, bring to justice those who may be responsible and compensate the alleged victims or their next of kin.

Argentina

Urgent appeals and replies received

25. On 14 April 1999, the Special Rapporteur transmitted an urgent appeal jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of José Luis Ojeda, who was allegedly shot and wounded by an unidentified aggressor outside his home in Buenos Aires on 6 April 1999. A police patrol from Station 34 was reportedly in the vicinity at the time of the events but did not intervene. According to the information received, this is the latest in a series of attacks and harassment to which José Luis Ojeda and his family have been subjected since he claimed he was beaten and tortured by the Federal Police in Station 34 during his brief stay there three years before. The Centre for Legal and Social Studies allegedly informed the authorities of the attack.

26. By letter dated 10 June 1999, the Government responded to this urgent appeal. It indicated that following a complaint submitted to what has now become Examining Court No. 43, proceedings are in progress, an order of committal having been issued against Sergeant Víctor Pablo Barrionuevo for the offence of minor bodily harm. Insufficient grounds were found for either undertaking or dismissing proceedings against Major Carlos Fabián Chávez. The action to rescind is not final because appeals have been lodged by lawyers both for the Argentine Federal Police and for Mr. Ojeda. The Government indicates that preliminary steps have been instituted in Court No. 14 concerning the offence of 6 April 1999. It states that measures were taken to ensure Mr. Ojeda's physical safety and provide psychological counselling. Such measures continued until 19 April, when Mr. Ojeda ceased to accept assistance of any kind. Since 27 April, contact has been made with the victim only once, and he again declined any form of protection.

Follow-up to previously transmitted communications

27. By letter dated 26 October 1998, the Special Rapporteur transmitted to the Government information concerning possible cases of torture in Argentina. By letters dated 16 December 1998 and 6 January 1999, the Government responded by providing the Special Rapporteur with information on the following case, summarized below.

28. Marcelo Atencio was allegedly arrested and tortured on 20 March 1998 by members of the Buenos Aires Police Force, Station No. 1, San Miguel (see E/CN.4/1999/61, para. 44). According to the Government, "sessional" proceedings have been instituted in Criminal and Correctional Transit Court No. 3 of the Judicial Branch of San Martín, Buenos Aires District Authority. On 21 March 1998, Marcelo Atencio underwent medical examination and a number of minor injuries were found. During the preliminary steps ordered by the court, it was discovered that he had been examined by the police physician on duty at the time

of his arrest, who pronounced him inebriated and diagnosed the injuries re-identified on 21 March, as well as additional symptoms. The court ordered the case provisionally dismissed on 22 June 1998 because the person who had allegedly committed the offence of bodily harm could not be identified.

29. In the same letter dated 26 October 1999, the Special Rapporteur transmitted to the Government the case of Luis Cufré, aged 14, who was reportedly arrested and thrown to the pavement in the path of an oncoming truck on 18 September 1995 in Plaza Constitución, Federal Capital, by police officers of the Mitre Division (see E/CN.4/1999/61, para. 45). In its letter dated 16 December 1998, the Government indicated that proceedings had been instituted in National Correctional Court No. 13, Office 79. Implicated in the proceedings were a corporal of Division No. 1 Mitre SS Railways and the driver of the truck, which belonged to a garbage collection company and which allegedly ran over the minor and another person, also a minor. The Government gave detailed information on the treatment provided for Luis Cufré and the severe injuries he sustained. The Street Children Division of the National Council for Minors and Families has been involved in the case, providing assistance in various areas from documentation to rehabilitation. The case is in pre-trial proceedings. Investigations of alleged irregularities in the initial handling of the case by the police are also being made.

30. In the same letter, the Special Rapporteur reminded the Government that it has not responded to the information he sent it on 26 May 1997 according to which a number of detainees at the Córdoba remand centre were subjected to various forms of torture on 22 January 1996 following disturbances provoked by an escape attempt (see E/CN.4/1998/38/Add.1). In its letter of 16 December 1998, the Government provided information on that incident. It transmitted to the Special Rapporteur the reports of the Penitentiary Service, Córdoba province, and of the Penjuez Service, which investigated the incident. According to the reports, proceedings were initiated in the case but no one has been charged, either in the administrative or in the judicial courts, with the crime of torture or ill-treatment. The charges brought against three prison employees were for other causes. Information was given on the injuries suffered by the various detainees, their gravity and the medical treatment given. Medical treatment in the penitentiary centre had been deemed adequate by two forensic scientists and three defence lawyers. Evidence had been taken from over 100 persons, but it lacked consistency. Although the case was being processed by Federal Court No. 3 and Examining Court No. 12, both of Córdoba, the Government stated that the "case in question does not involve one of the forms of torture, since not a single employee of the Penitentiary Service in the entire province is suspected or accused of the crime of torture." As for the investigations carried out to clarify the circumstances surrounding the death of three of the detainees and, in the death of Luis Rogelio Martín, the possible implication of drug trafficking, that case has been transferred to the Federal Court for jurisdictional reasons. With respect to detainees Sánchez and Sarriá, despite numerous inquiries, autopsies and testimony, the specific events which led to their deaths have still not been definitively revealed.

Australia

Urgent appeals and replies received

31. On 6 December 1999, the Special Rapporteur sent an urgent appeal on behalf of a Libyan asylum-seeker, whose name is unknown to the Special

Rapporteur, and his family, who were said to be facing imminent and forcible repatriation to Libya, where they may be at risk of torture. He was said to be a member of the reportedly illegal Libyan opposition group National Front for the Salvation of Libya (NFSL). The Australian Refugee Review Tribunal reportedly did not accept that he was a member of this organization and therefore rejected his claim. The authorities reportedly unsuccessfully attempted to deport the family on 1 December 1999, but the airline refused to carry them because of the physical condition of one of the asylum-seekers. The parents were allegedly verbally and physically abused at the airport while in the custody of the officials who were attempting to deport them.

Follow-up to previously transmitted communications

32. By letter dated 4 January 1999, the Government replied to a communication sent by the Special Rapporteur on 3 September 1998 (see E/CN.4/1999/61, paras. 56-58). The Government informed the Special Rapporteur that the Royal Commission into Aboriginal Deaths in Custody was established on 16 October 1987 to investigate the deaths of 99 aboriginal and Torres Strait Islander people in custody between 1 January 1980 and 31 May 1989. The Government indicated that the Commission was tasked with examining the circumstances of the deaths, action taken by the authorities and the underlying causes of indigenous deaths in custody, including social, cultural and legal factors. The Government informed the Special Rapporteur that the investigation concluded that the predominant cause of the high incidence of indigenous deaths in custody was the disproportionate rate at which Aboriginal and Torres Strait Islander people came into contact with the criminal justice system, reportedly because of the severely disadvantaged position of many indigenous people in society, socially, economically and culturally. The Commission made 339 recommendations to various levels of governments in Australia on a wide range of issues and in 1992 the Commonwealth Government allocated $400 million, mostly channelled through the Aboriginal and Torres Straight Islander Commission (ATSIC), to support 338 of the 339 recommendations. The Government indicated that the level of implementation of the recommendations had led to a reduction in the number of indigenous deaths in custody, as well as a growing awareness by custodial and medical staff of the treatment of indigenous prisoners. However, the Government informed the Special Rapporteur that it had acknowledged that the increasing over-representation of indigenous people in custody and their rate of contact with the criminal justice system needed to be addressed. To that end, a ministerial summit on indigenous deaths in custody was convened in July 1997. Strategic plans to address the over-representation of indigenous people in the criminal justice system are now being monitored.

33. The Government also responded to the two individual cases transmitted.

34. Concerning Daniel Yock, the Government denied that any torture occurred in this case. It indicated that an investigation was undertaken by the Criminal Justice Commission into his death, which relied heavily on two autopsy reports. The Commission found that the cause of his death was a combination of heart problems and drug intoxication. The Commission further found that there was insufficient evidence to lay criminal charges against anyone involved in his arrest and detention. A copy of the Criminal Justice Commission's Investigation findings and the Coroner's recommendation and notification were transmitted to the Special Rapporteur. The Government noted that the results of the inquiry were public and all evidence before the Commission had been given in open court.

35. Concerning Kim Nixon, the Government denied that any torture took place. The Government indicated that an independent coronial inquiry was conducted which found that he died of natural causes as a result of hypertensive and arteriosclerotic heart disease, and that there was insufficient evidence to support a case against any member of the police service. However, the Government advised the Special Rapporteur that the inquiry did not consider the allegation that police officers had been told where Kim Nixon's medication could be found and that they reportedly made no attempt to retrieve it. In relation to this allegation, the Government drew the Special Rapporteur's attention to a report of the Social Justice Commission on his death in Indigeneous Deaths in Custody 1989 to 1996 (extracts of which were forwarded to the Special Rapporteur), which indicated that upon his arrival at the police station, he had told the officer on duty that he was on blood pressure medication which was noted on his admission form. According to this report, the location of the medication was noted by visitors from the Aboriginal Visitor's Scheme in the visitors' book at the police station, but the police did not become aware of this information until after his death as there was no procedure for examining the visitors' book. The Government stated that the examination of the case by the Social Justice Commissioner was based on a secondary evaluation of textual materials and was undertaken without witnesses being called or evidence being tested. The Government noted that the report has not been tabled in Parliament nor responded to by the Government.

36. The Government attached the following additional documents for reference: "The Royal Commission into Aboriginal Deaths in Custody: An overview of its establishment, findings and outcomes" and the "Queensland Criminal Justice Act 1989".

Azerbaijan

Regular communications and replies received

37. By letter dated 15 November 1999, the Special Rapporteur advised the Government that he had received information according to which police and other security force personnel beat and tortured persons detained in pre-trial custody in order to punish them, gather information, force confessions and compel corroborating testimony from witnesses. Those accused of treason or other political offences are said to be systematically tortured, in particular in the lock-up of the Baku City Police Department, also known by the Russian acronym "Gorotdel", but also in other holding facilities, including the Presidential Special Department. The police also reportedly routinely and severely beat persons accused of petty or more serious crimes. Such abuse is said to occur immediately after detention, but can also continue for months throughout the prolonged period of pre-trial detention. Detainees are reportedly frequently detained in temporary holding facilities without being charged, well beyond the 3 to 10-day period prescribed by law, through frequent recourse to extensions. During pre-trial detention, the police are said to pressure detainees either not to seek counsel or to accept State-appointed government lawyers who may not work for their clients' best interests. Furthermore, it is alleged that detainees who are formally charged are transferred to remand prisons where they are held in "isolation" as a "restraining measure". This is believed to contribute to abuse.

38. Investigators have reportedly often refused requests from lawyers for access to their clients in temporary holding facilities and remand prisons. The Ministry of Internal Affairs, which has jurisdiction over the majority of pre-

trial detention facilities, is said to have also denied access. Lawyers are also reported to have no right under the law to arrange forensic medical examinations for their clients in order to establish evidence of physical abuse. The police or procuracy investigator handling a case has the authority to approve or reject a detainee's and lawyer's request for a forensic medical examination. A report or testimony after an examination by a private doctor or other examiner who is not an employee of the State forensic medical office is reportedly not acceptable in court to establish the cause of injuries. Detainees have reportedly no right to be treated or visited by their own doctors while in pre-trial detention.

39. During an investigation, defendants are said to have no access to a judge to protest alleged ill-treatment: their sole recourse lies with the procuracy. In practice, the procuracy is said rarely to investigate allegations of torture and even less frequently to prosecute the police officers allegedly responsible.

40. Coerced confessions are said to be used by the procurator's office as evidence to secure convictions at trials. Judges are reported rarely to pursue defendants' torture allegations. It is also reported that the police beat individuals to extort bribes from them and family members seeking their release.

41. The Special Rapporteur has also received information regarding the conditions of detention, which are said to amount to cruel and inhumane treatment. It is reported that overcrowding in pre-trial detention centres forces detainees to sleep in shifts in cells that lack proper ventilation and light. Some detainees are reported to be extremely thin and malnourished. Medical attention is said to be denied. The treatment of contagious diseases, such as tuberculosis, is in particular denied.

42. The Special Rapporteur advised the Government that he had also received information on the following individual cases.

43. Elchin Behudov was reportedly arrested without warrant in Baku on 21 October 1995 on suspicion of concealing information regarding the September 1994 murder of a fellow employee of the Presidential Special Department. He was reportedly taken to a holding cell in the basement of the Presidential Special Department, where he remained for two days in incommunicado detention. On the second day of detention he was reportedly transferred to the Baku City Police Department (Gorotdel), where he was allegedly beaten when he refused to write a statement. The police allegedly put a gas mask on his head and started to asphyxiate him. He reportedly had bruises on his entire body and was later unable to walk. A procuracy investigator who later saw him reportedly refused to take action about the abuse. On 3 January 1996, Elchin Behudov was formally charged under article 186 of the Azerbaijani criminal code with "concealing evidence of a crime".

44. Abulfat Kerimov was reportedly arrested in Baku on 16 March 1996. He was reportedly taken to the fourth floor of Gorotdel. His lawyer reported that his entire body was covered with bruises and swelling and his eyes were swollen. Further, he could not pick anything up with his hands or stand on his feet. Repeated requests by his lawyer to the Procuracy General for a forensic medical examination of his client were allegedly turned down.

45. Eldar Agayev was reportedly arrested at his workplace on 23 September 1993. On the tenth day of his detention his wife was reportedly allowed to see

him at the police station in the Twentieth Police Precinct in Nasimi district, and saw that he had been badly beaten. The treatment he received at a hospital was reportedly not recorded, to conceal the fact that he had been beaten. He reportedly underwent surgery in October 1995 for lesions on the soles of his feet caused by the severe beating he received, and he reportedly remained in the hospital until May 1996. His State-appointed lawyer reportedly refused to request a forensic medical examination. A forensic medical examination was, however, sought by a private lawyer on 20 December 1996 and reportedly denied by an investigator, who claimed that it was "irrelevant to the case". Eldar Agayev was reportedly eventually convicted of murder.

46. Vuquar Verdiyev was reportedly arrested on suspicion of murder on 29 April 1996 by police in Baku. He was reportedly taken to Gorotdel and then to the Department to Combat Organized Crime, where he was allegedly tied to a radiator and beaten. Hot and cold water was allegedly poured over his body. He is said to have confessed to the murder as a result of the torture. Thereafter, he was reportedly transferred to a prison in Ganja, where the torture allegedly continued. One of his shoulders and a hand were reportedly broken and metal nails were pushed under his toenails. It is believed that the abuse continued after he made a confession in order to coerce him into signing a testimony that he had an accomplice.

47. Bahram Sadoqov, a displaced person from the Lachin region, is reported to have died on 19 January 1999 in his cell at the Police Administration of Sumaqayit City, allegedly as a result of severe beatings by policemen.

48. Aleksandr Viktorovich Usenko, a Jehovah's Witness, was reportedly arrested by three officials from the Baku City Procurator's Office on 13 November 1997 after allegedly offering a bribe in exchange for the registration of his congregation as a religious community. He was reportedly taken to Investigation Isolation Prison No. 1, Bailov Prison, where he was allegedly beaten and verbally abused by an investigator. He was subsequently sentenced to three years' probation after being convicted of bribery. He reportedly lodged a complaint about his treatment with the Baku City Procurator.

49. Nazilya Veliyeva, Arif Babayev and Rovshah Nariman ogly Mursalov, members of the same congregation of Jehovah's Witnesses, were reportedly called for interrogation and beaten around 16 November 1997. Rovshan Mursalov was allegedly beaten for refusing to sign a statement prepared by the police, and sought medical treatment for a burst eardrum sustained during the beatings. Eleven Jehovah's Witnesses have reportedly lodged complaints of ill-treatment with the Office of the Prosecutor.

50. Vusal Rasulov, aged 12, and his sister were reportedly detained by police in Mingechevir on 6 December 1997 in order to extract information about their mother, Sakhiba Rasulova, the head of the Mingechevir Branch of the non-governmental Dilara Aliyeva Society for the Protection of Women's Rights, against whom the police had instigated criminal proceedings on the charge of swindling. Vusal Rasulov was allegedly physically abused by an investigator, the Chief District Inspector and the Deputy Procurator of Mingechevir during his detention on 6 December. The three men allegedly shut his fingers in a door and beat him on the soles of his feet. He was reportedly taken the same day by his family to a clinic. The doctors there initially confirmed the bodily injuries, but the relevant documents were reportedly destroyed by the doctors under pressure from law enforcement agencies. Vusal Rasulov was reportedly then taken

to a hospital in the Kakh district, but on 9 December was allegedly abducted by Mingechevir police officers and held illegally in the home of one of them in the village of Khanabad in Yevlakh district until 14 December, when he was discovered and released by Kakh district police. On 16 January 1998, he was reportedly detained again and taken to the police department, where he was beaten. He was reportedly taken by his family to Agdash district where doctors found that he was suffering from torn abdominal muscles. It is further alleged that on 7 February 1998 the police tried to exert pressure on his classmates who had reportedly witnessed him being beaten at the police station.

51. Namik Aliyev, a lawyer, was allegedly assaulted on 12 March 1998 by officers at police station No. 26 in the Yasamisky district of Baku when visiting a client. He reportedly demanded that his client be given a medical examination when he noted a fresh bruise on his face. Two police officers allegedly beat him in the presence of his client and others. He was then reportedly placed in a cell and taken an hour later to a hospital to be tested for the presence of alcohol. He was reportedly released later that evening. A doctor who examined him after his release reportedly found contusions to his head and buttocks. The Baku City Procurator's Office reportedly instituted criminal proceedings for exceeding authority, as a result of the alleged beatings.

52. Elshan Javanshir oglu Rahimov, a former member of the special police force (OPON), was allegedly beaten in pre-trial detention in April 1998 before his trial began on 2 July 1998. He was allegedly beaten with truncheons, a parquet brick and a table leg at the Ministry of Interior's Department to Combat Organized Crime. When he lost consciousness as a result of the beatings, he was allegedly thrown under a cold shower until he revived and was later tied naked to a central heating radiator and tortured. An officer allegedly punched him in the face, knocking out three teeth. After he wrote protest letters to the procuracy, he allegedly received further beatings. As a result, he reportedly suffers from frequent fainting and deafness in one ear and had suffered a broken humerus.

53. Fagani Magerramov, Chairman of the Geranboy Branch of the Party of National Independence of Azerbaijan (PNIA), was reportedly severely beaten on 30 July 1998 by the Head of the Department to Combat Organized Crime at the Geranboy police administration. He was allegedly repeatedly beaten with a rubber truncheon in front of other police officers for several hours. He was reportedly released after the Ministry of the Interior intervened. The beatings are said to have occurred after press reports alleged that the local authorities were interfering in the collection of signatures for a PNIA presidential candidate. A medical examination of Magerramov was reportedly carried out and a criminal case in connection with the alleged beatings was opened by the Republican Procuracy.

54. Shokhrat Ismailov, party secretary of the Party of Democratic Independence, Mirvari Gakhramonova, also a party secretary and Chairwoman of the party's Women's Committee, and Professor Fikriyya Ibragimli, a member of the Supreme Council of the party, were allegedly physically assaulted by police officers from the Yasamalsky district on 15 August 1998 while walking to the site of an opposition party demonstration in Baku.

55. Ramil Ismailov, son of Shokhrat Ismailov (see above) and leader of the youth organization of the Party of Democratic Independence, was allegedly

severely beaten on 15 August 1998 by seven or eight police officers using truncheons near the "20 January" metro station. He was reportedly taken to the Yasamalsky district police station, where he lost consciousness, but was not provided with any medical treatment. He was held for 23 hours before being released. He was reportedly subsequently treated at the Nagiyev hospital for concussion and severe trauma as a result of the beatings. A request for the institution of criminal proceedings in connection with the alleged beatings has reportedly been submitted to the Baku City Procurator.

56. Rafig Amirov, who was on trial for the murder of Shafa Mibabaly, is reported to have renounced his confession, which he said was extracted under duress, at the Baku City Court on 18 August 1998. He reportedly told the court that he had signed the confession after three or four officers of police station No. 24 in the Nasiminsky district of Baku beat him for around 10 minutes with their truncheons. Signs of physical abuse were reportedly visible on his body, as seen on a video film taken after his interrogation.

57. Vahid Qurbanov, a member of the Azerbaijan Democratic Party, was reportedly detained near the "28 May" metro station on 12 September 1998, together with Party colleagues. He was allegedly severely beaten and struck on his head and legs by police officers and forced into a vehicle, after he verbally objected to police attempts to quash his right to peaceful assembly. He was reportedly taken to police station No. 22 of the Nasimi District Police Administration, and sentenced the next day to 10 days' administrative detention for offering resistance to a police officer and being under the influence of alcohol. He was reportedly taken back to police station No. 22, and then to Qarashahar on the evening of 20 September. On 22 September, he was reportedly transferred back to police station No. 22 and charged with resisting a police officer. He was reportedly eventually transferred to Investigation Isolation Prison No. 1 (Bailov prison). He reportedly remains in detention at this prison.

58. Vagif Guliyev, Chairman of the Fizuli Branch of the Popular Front of Azerbaijan (PFA), was allegedly beaten by around 10 police officers at the Department to Combat Organized Crime of the Ministry of Internal Affairs after being detained on 12 September 1998 following a political demonstration. It is also alleged that he was given electric shock treatment in an attempt to persuade him to join the Yeni Azerbaijan party.

59. Salman Yusifov, Chairman of the PFA Sumgayit Branch, was reportedly arrested on 15 September 1998. He was allegedly subjected to electric shock treatment and was reportedly later transferred to the Baku Main Police Administration.

60. Elchin Mammadov, a PFA member from Sumgayit, was reportedly detained on 15 September 1998 by plain-clothes police officers and taken to the Department to Combat Organized Crime of the Ministry of Internal Affairs. He was allegedly forced under physical duress to confess to receiving money by Salman Yusifov (see case above), attending a PFA meeting on 15 September and to carrying rocks in his pockets to the meeting. He was allegedly subjected to electric shock treatment to make him give evidence. Vagif Guliyev (see case above), Salman Yusifov and he were reportedly subsequently released, however, criminal cases against the three men for resisting the police and organizing a meeting which violated public order were reportedly continuing.

61. Ramal Gumbatov, the 14-year-old son of Alikram Gumbatov, a local militia leader and head of the Equality of Peoples Party in Lenkoram, reportedly had his arm burnt by cigarettes by the police in September 1995, in order to coerce him to reveal the whereabouts of his mother. He was also allegedly beaten.

62. Kerim Kerimov was reportedly attending a meeting of the opposition Azerbaijan Popular Front and Musavat parties in Ganja on 24 May 1997 when he was arrested by the police. According to the information received, he was taken with several other individuals to the Ganja district police station where he was allegedly severely beaten.

63. By a letter dated 15 November 1999 sent in conjunction with the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, the Special Rapporteurs informed the Government that they had received information on the following individual cases.

64. Smira Mamigdze, Ilahme Mamigdze, Zamina Alliguze and a fourth female journalist were reportedly injured on 16 November 1998 when the police allegedly violently dispersed a group of journalists demonstrating in front of the Supreme Court in Baku. The journalists were reportedly protesting against legal proceedings brought by the head of the Presidential administration against the Yeni Musavat newspaper.

65. Aydin Bagirov and Mustafa Hajibeyli, correspondents of 525 Newspaper, were allegedly beaten by police in front of the Baku City Executive building on 15 August 1998 while covering a picket protest by members of the Popular Front of Azerbaijan. Their beating was allegedly witnessed by Sahil Kerimli, a journalist with the newspaper 7 Gyun, who was allegedly detained and taken to police station No. 9 in Sabailasky district. The men were reportedly subsequently detained and released only after a film recording of the picket protest was destroyed.

66. Natig Kavadli, a journalist with Olaylar newspaper, was reportedly detained in front of the Vakhdat party office by police officers from the Sabailsky district of Baku while covering the 15 August 1998 protest (see above). He was allegedly taken to a police station, where he was beaten and had his camera confiscated. He was reportedly held for several hours before being released.

67. Haji Zamin, a correspondent with the Azadlyq newspaper, was reportedly stopped by a police officer and a man in civilian clothes on 22 August 1998 at the entrance to the "Kara Karyev" metro station. They allegedly requested his identity documents and, upon learning that he worked for Azadlyq, a police inspector and an officer of the Subway Criminal Investigations Department took him to a police station, where they abused him. The police inspector tried to cover up the alleged beating by compiling a report which falsely stated that he had resisted being stopped. The following day he was summoned to the Baku City Police Administration where he was charged with resisting arrest. He reportedly instituted legal proceedings at the Nariman district court in Baku complaining of his treatment by the police inspector and officer. The officer was reportedly fined for minor hooliganism and the police inspector was later dismissed from the police force pursuant to orders made by the Minister of the Interior. In addition, the police inspector has reportedly been arrested in connection with a criminal case instituted by the Transport Procurator's office on 27 August 1998, in which it is alleged that he exceeded his authority.

68. Taleh Hamid, editor of the newspaper Mustiqil, was allegedly beaten on 1 September 1998 by police officers from the Khatainsky district of Baku, near the Goskomimushchestvo building around one and a half hours before a convoy carrying President Aliyev was due to pass. He was reportedly stopped as he was driving along this route by police who told him that the road was closed and suggested, allegedly in offensive and obscene terms, that he leave the road. When the journalist objected to their attitude, the captain of police station No. 35 in Khatainsky district allegedly struck him in the face and pulled him out of his car and continued to beat him on the street. Three officers from the same station allegedly joined in the beating. A forensic medical examination was reportedly carried out, the results of which were given to the procuracy, where the case was reportedly being investigated by a procuracy official of the Department of Police Supervision.

69. Sabukhi Gafarov was reportedly taken hold of by police officers on 7 May 1998. His camera was reportedly confiscated and he was allegedly hit several times with truncheons, after the police saw him taking pictures of police officers beating a group of women mourners assembled outside the Azhdarbey Mosque in Baku. Another journalist, Aygun Ismaylov, was also reportedly seized by police officers. Both are said to have been released immediately when the crowd intervened. They reportedly contacted the authorities about these alleged events and received a response from the Nasiminsky District Procuracy around a month later informing him that the beatings could not be confirmed. The Procuracy reportedly failed to summon either of the journalists, or a witness to the incident, to investigate the complaint.

70. Ilham Shaban, a journalist of the TURAN news agency, was allegedly beaten by police on 7 November 1998 near the office of the Azerbaijan newspaper where a demonstration was taking place. It is alleged that he showed his press card to a police major who allegedly ordered his subordinates to beat him.

Follow-up to previously transmitted communications

71. By letter dated 11 December 1998 the Government replied to a number of previous communications sent by the Special Rapporteur on 23 September 1998, 20 June 1997 and 10 June 1996.

72. Concerning Samir Zulfugarov (see E/CN.4/1999/61, para. 60), the Government replied that he was arrested on 28 July 1997 by Yasamal district police station officers for possession of narcotics. He was held at the Yasamal district police station until 1 August 1997, instead of being transferred to the Baku Principal Police Station normally used for suspects under investigation. The Government replied that on 1 August 1997 he was taken to City Hospital No. 1 wnere he died three hours later. Criminal proceedings were initiated by the Procurator of Yasamal district of Baku City on 1 August 1997 and later entrusted to the Baku City Procurator's Office, under a number of provisions of the Criminal Code including intentional homicide. The file regarding one of the arresting police officers was later forwarded to the People's Court in Baku City for examination, however the Government replied that the case was subsequently halted as it was impossible to identify the persons responsible for his death. After the case was returned to the Procurator's office for further examination, the criminal proceedings against the police personnel and the proceedings concerning the death of Samir Zulfugarov were combined into one case on 25 July 1997. At the time of the government reply, the case was in the hands of the Baku Procurator's Office.

73. Concerning Zakir Dzhabarly and Dilgam Bairamov (see E/CN.4/1999/61, para. 61), the Government replied that criminal proceedings were instituted by the Baku City Procurator's Office on 8 October 1997 following a statement made on 23 September 1997 in which the two men alleged that they had been insulted and beaten by members of the police force, sustaining bodily injuries, when they visited the office of the head of the passport section of the Narimanov district police station in Baku, in order to ascertain the reason for the illegal registration of a person in the tram/trolley-bus depot housing scheme. The Government replied that a forensic examination had been undertaken which identified bodily injuries inflicted on 22 September 1997, and stated that the Procurator's Office of Azizbekov district had undertaken an investigation. However, the proceedings had been halted as it could not be proved that the two men had been beaten and severely injured by the police officers. After the proceedings were resumed by the Procurator's Office, they were once again halted on 26 February 1998, with the endorsement of the Procurator's Office.

74. Concerning Rafik Shaban ogly Ismailov (see E/CN.4/1997/7/Add.1, para. 9), the Government replied that on 8 December 1995 he was taken to the district police station, where he died in the office of the head of criminal investigations. It stated that the Procurator's Office of Masally district initiated criminal proceedings under article 168, Part 2 of the Criminal Code, "exceeding of powers or official authority, accompanied by force, the use of weapons or intimidating and personally insulting actions against the victim", and the case was entrusted to the Investigations Department of the Procurator's Office, which found that the acting head of criminal investigations of the Masally district police station forcibly took him to the police station in a manner deliberately exceeding official powers and in serious violation of his rights. The investigation found that he sustained slight bodily harm as a result of physical and psychological force at the police station, where he had been held unjustifiably, and that on that same day, following a sudden deterioration in the state of his health resulting from cardiovascular insufficiency, a doctor visited him at the police station. The doctor reportedly recommended hospitalization, which, the Government stated, did not occur, and one hour later he died. A forensic examination found that the cause of his death was cardiovascular insufficiency, and that there was no casual link between his death and his detention and beating in the police station. At the People's Court of Masally, the acting police head was sentenced to be relieved of his functions, but later released pursuant to an amnesty granted by the Parliament on the occasion of the national day. An appeal was subsequently lodged and the Supreme Court annulled the prior sentence and sent the case for a new hearing in the People's Court of Salyany district, which found the acting head was guilty of an offence under article 168, Part 1 of the Criminal Code and sentenced him to five years' imprisonment on 21 January 1997. The Government noted, however, that the acting police head was released under the amnesty without serving his sentence.

75. Concerning Taptig Farkhadogly (see E/CN.4/1998/38/Add.1, para. 19), the Government replied that on 25 November 1996 he filed a complaint with the Baku Procurator's Office that persons, including the head of the 39th police station of Sabail district, Baku, beat him on 17 November 1996 near the "Baku" department store. Thereafter, an investigation was conducted and criminal proceedings were instituted by the Baku Procurator's office on 28 September 1996, under article 168, Part 2 (see above). The Government indicated that a forensic examination established that he sustained slight bodily harm. During the investigation the head of the 39th police station of Sabail district was

questioned. He said that he had not known Taptig Farkhadogly before 17 November 1996 and that he had not committed any unlawful acts towards him. The Government also stated that the investigation was halted on 28 January 1997 as it was impossible to identify those responsible for the offences committed. The decision to halt the investigation was annulled on 16 April 1997 by the Baku City Procurator but supplementary inquiries failed to produce positive results so the investigation was again halted on 6 May 1997. Nevertheless, inquiries were continuing.

76. Concerning Murshud Makhmudov and Abulfat Kerimov, the Government replied that criminal proceedings had been instituted by the Ministry of the Interior in connection with unlawful actions committed by the special police unit, OPON, under various provisions of the Criminal Code, in an attempted coup d'Etat on 17 March 1995. Murshud Makhmudov was detained on 13 April 1995 and Abulfat Kerimov on 17 April 1995. The Government stated that the preventive detention imposed on Murshud Makhmudov was modified on 27 February 1996, but that decision was later cancelled and he was re-arrested on 4 March 1996. Concerning Abulfat Kerimov, the Government stated that he was released from detention on 4 January 1996 but re-arrested on 17 April 1996. Both men were indicted under various provisions of the Criminal Code and the cases forwarded to the Supreme Court. Claims by either of the men of torture and other unlawful acts against them were not borne out by an investigation. According to the Government, both men had the opportunity to make statements freely during the investigation and acknowledged their participation in unlawful acts.

Observations

77. Sharing the concern of the Committee against Torture, in its conclusions and recommendations following review of the country's periodic report, at "the numerous and continuing reports of allegations of torture and other cruel, inhuman and degrading treatment and punishment committed by law enforcement personnel" (CAT/C/23/5, para. 5), the Special Rapporteur has requested the Government to invite him to visit the country.

Bahrain

Regular communications and replies received

78. By letter dated 22 November 1999, the Special Rapporteur advised the Government that he had received information on the following cases.

79. Mohammed Al-Sayyah was reportedly detained from 5 April to 12 July 1995. He was allegedly tortured by a Jordanian officer (whose name is known by the Special Rapporteur) at the Al-Qal'a prison. He was reportedly subjected to electric shocks and was severely beaten on his private parts. He was also reportedly stripped naked and forced to sit on a bottle, resulting in an injury that caused him continuous suffering after his release. Asbestos mats were allegedly put in his solitary confinement cell and it is believed that this experience, in addition to the torture he received, resulted in three years of suffering. He reportedly died on 30 September 1998 at the Salmaneya Hospital, allegedly as a result of the treatment he was subjected to during his detention.

80. Salwa Hassan Haider, Hanan Salman Haider and Maryam Sa'id al-'Aradi, along with several other women, were reportedly detained from 2 to 4 November 1998, at which time several arrests were made in the village of Al-Daih by the

security forces. They were allegedly beaten on the soles of their feet and suspended by their limbs. They were allegedly forced to role-play acts and to impersonate characters in public places in Rif'a. They were reportedly tortured at the al-Khamis detention centre by the Security Intelligence Service (SIS). Salwa Hassan Haider and Hanan Salman Haider were reportedly coerced by flogging and threats of assault, including rape, into signing a confession stating that they had violated the Constitution. They were reportedly being held in incommunicado detention, while Maryam Sa'id al-'Aradi was said to have been released without charge.

81. Hussain Mohammed Al Mula, aged 16, from Sanad, was reportedly arrested on 22 November 1998 and detained at the Al Qalá police station in Manama. He has allegedly been severely tortured by SIS officers. According to the information received, as a result of the torture, he was reportedly transferred to the hospital of Manama where one of his hands was amputated. After 12 days in the hospital he was reportedly re-arrested and was being held in incommunicado detention.

82. Mohammed Ali Al Ikri, aged 17, from Al Qadam village, was reportedly detained at the Al-Qalá police station in Manama on 1 November 1998. He was allegedly beaten so severely by SIS officers that he was hospitalized and subsequently released. He was later reportedly arrested and SIS officers allegedly threatened to torture him until he would no longer be able to walk or talk. According to the information received, he was reportedly transferred to the al-Khamis detention centre and received his first visitor.

83. Salah Abdul Hussain Mohammed was reportedly detained on 2 November 1998 at the Al-Qalá police station in Manama. He was allegedly severely beaten and denied medical treatment. His condition allegedly worsened to the point that he required hospitalization.

84. Isa Al Bazaz, aged 16, was allegedly arrested by the SIS on 4 November 1998 and taken to Al Qalá police station in Manama. It is reported that when the SIS did not find his father, they instead took him as a hostage. According to the information received, he was severely beaten at the time of arrest.

85. Hamza Issa Al Hamar, from the Al Deh region, was allegedly detained on 28 August 1998 at the Al Qalá police station in Manama by the SIS and released on 1 September 1998. He was reportedly beaten with PVC hose pipes all over his body, especially on the head and stomach.

86. Zakaria Habib Mater, aged 17, was allegedly detained by the SIS from 17 February to 1 April 1998 at a farm near his home in Ikir. He was reportedly dragged to a palm tree, to which he was bound. He was reportedly blindfolded and taken to a detention centre where he was held in a toilet for 10 days and subsequently placed in solitary confinement for 34 days, continuously blindfolded.

87. Seyed Hussain Seyed Majeed Seyed Hussain was allegedly arrested by the SIS on 2 August 1998. He was taken to the Al-Qalá police station in Manama and was allegedly beaten on the ears and subjected to sexual insults.

88. Ibrahim Hilal was allegedly arrested on 2 August 1998 and detained at the Al-Qalá police station in Manama by the SIS. He was allegedly beaten on the head and stomach and forced to remain standing for several days.

89. Hussain Abas Al Aamer, was reportedly detained from 7 to 10 August 1998 at the Al-Qalá police station in Manama. He was allegedly beaten by the SIS with PVC hose pipes all over his body, especially on his back and stomach.

90. Nasser Abd Al Hussain Al Aleem, was reportedly detained from 7 to 10 August 1998 at the Al-Qalá police station in Manama. He was allegedly beaten by the SIS on the soles of his feet, which is said to have resulted in difficulties in walking after his release.

91. Hussain Ali Ahmed Al Kazaz was reportedly arrested on 3 August 1998 and detained at the Al-Qalá police station in Manama. He was allegedly beaten by the SIS with PVC hose pipes.

92. Mohammed Salman Yousif Abdul Rasool, from Daih, was reportedly arrested on 2 August 1998 and detained at the Al-Qalá police station in Manama. He was allegedly beaten by the SIS all over his body with PVC hose pipes.

93. Hassan Al Say'q and Abdula Al Wasti were reportedly detained on 3 August 1998. It was reported that they were detained at the Al-Qalá police station in Manama and were allegedly beaten by the SIS all over their bodies with PVC hose pipes.

94. Hassan Ahmed Juma and Hussain Ahmed Juma were reportedly detained at the Al Khamees police station on 11 February 1999 and 12 February 1999, respectively, and released the next day. They were allegedly blindfolded and beaten by four members of the SIS.

95. Abdulla Ali Al Natashaas was reportedly detained by the SIS on 10 February 1999 and allegedly held at the Al Khamees police station. He was allegedly beaten, blindfolded and whipped, as well as prevented from using the bathroom.

96. Abdul Nabee Ahmed Al Zaimmour, aged 16, Ali Ahmed Al Zaimmour, Issa Mulla Mansoor Al Uteby, age 16, and others, were taken from the Al Deh region on 10 February 1999. They were allegedly beaten and threatened with having police dogs released on them at the Al Khamees police station by the SIS.

97. Abas Khamees Amran has reportedly been imprisoned for many years at the Al Qalá police station in Manama. He was reportedly hung by his arms for many hours by SIS members. According to the information received, he is still experiencing severe pain in his left arm, allegedly as a result of this treatment. He has allegedly been held in solitary confinement since November 1998.

98. Abdul Amir Al Safar was reportedly detained on 1 February 1999 at the Al Qalá police station in Manama and released on 4 February 1999. He was allegedly beaten on his face and back and burnt on his chest.

99. Aref Ali Al Samak, Mohammed Ali Mansoor Al Saeed and Saleh Habeeb Ali were allegedly detained at the Al Qalá police station in Manama on 2 February 1999 and released a few days after. They were all allegedly severely beaten. Aref Ali Al Samak was said to be suffering from psychological shock. Mohammed Ali Mansoor Al Saeed reportedly confessed to false charges after being beaten and after his family were allegedly threatened. Saleh Habeeb Ali was allegedly handcuffed, beaten with PVC hose pipes and kicked on the head.

100. Ali Al Sadadee, a cleric, was allegedly taken from the Al Drraz region on 5 March 1999 and brought to the Al Khamees police station. According to the information received, he was beaten by SIS members with PVC hose pipes on his ears and the soles of his feet. Adnana Al Seyed Hashem, a cleric, was also allegedly detained and taken from the Al Drraz region on 5 March 1999. He was reportedly whipped and not allowed to use the bathroom.

101. Hussain Hamed and Dya Amir, both 16 years old, were reportedly arrested, together with several others, in Sitra on 2 October 1999. They were allegedly severely beaten at the Sitra police station.

102. Hussain Saeed Jassim was reportedly arrested with his younger brother, Redha, and allegedly subjected to electric shocks. They were reportedly both released a few days later.

103. Abbas Saeed Hassan Sapt was reportedly arrested on 12 April 1998. He was allegedly detained at the Al Khamees police station and the Budaj'e police station by the SIS. He was allegedly forced to stand for 15 days, was hung by his arms and legs and beaten on the soles of his feet, stomach and head. He was allegedly not given food for three days. When he became extremely ill he was reportedly transferred to a military hospital on 28 June 1998. His health reportedly deteriorated and he was eventually transferred to the Salmania Hospital.

104. The Special Rapporteur has also received further information regarding the following individuals on behalf of whom, amongst others, he sent an urgent appeal on 9 March 1999 (see below): Hussain Mansoor was reportedly detained on 10 February 1999. According to the information received, he was severely beaten on the soles of his feet and forced to stand for long periods of time. Abbas Ali Marhoom, aged 14, from Al Nowadratt, was reportedly detained on 18 February 1999 by the SIS at the Al Qalá police station in Manama. He was allegedly beaten all over his body, especially on his head and face. Mahdi Ahmed Marhoom, aged 14, from Al Nowadratt, was also reportedly been detained. It is reported that in addition to being beaten, he was threatened with rape and sexual abuse. Abdul Shaheed Mulla Jaffar, aged 14, from Al Nowadratt, was also reportedly detained. He was allegedly forced to stand during the first days of his imprisonment and was not allowed to use the bathroom for many days. Ahmed Mahdi Habeeb, aged 14, from Al Nowadratt, was also reportedly detained. He was allegedly beaten with PVC hose pipes on his body and the soles of his feet, which has allegedly caused him difficulties in standing and walking. Jasem Mohammed Hassan Kadhem was allegedly detained on 25 January 1999 at the Al Qalá police station in Manama and released on 29 January 1999. He was reportedly beaten by the SIS on the soles of his feet and was then forced to stand during his detention.

105. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1998 to which replies had not been received.

Urgent appeals and replies received

106. On 9 March 1999, the Special Rapporteur sent an urgent appeal on behalf of the persons named below. He transmitted further information concerning some of these persons in his regular communication (see above). The following 19 minors were reportedly arrested and detained by security forces in February 1999: Abbas Ali Marhoon, Abdul Shahid Jaffer Al-Mulla, Ahmad Mahdi Habib, Ahmad Mahdi Marhoon, Isa Mula Mansoor Al Utaibi, Abdul Ghani Ahmad Al Zaimur, Ali

Ahmad Al-Zaimur, Seyed Isa Ismail, Ibrahim Abdulla Ahmad Abbas, Seyed Jaffer Mohamed Hashim, Seyed Kamil Kadhim Ibrahim, Jaffar Abd Ali, Hussain Jaffer Jassim, Mahmood Hassan Abdul Wahab, Hussain Mahdi Saleh, Ahmad Abdul Nabi Abdul Karim, Ahmad Abd Ali Al-Madani, Mohammed and Abdulla Al-Yoser. It was also reported that the following 33 adults were reportedly arrested in the same period: Jasim Mohammed Hassan Kadhem, Fawzi Mohammed Hassan Mahdi, Mohammed Abdulla Yousif, Abdul Amir Al-Saffar, Aref Ali Al-Sammak, Mohammed Ali Mansoor Al-Saeed, Salah Habib Ali, Shakir Hassan Makki Darwish, Hassan Ali Hassan Al-Saegh, Mona Salman Haidar, Hassan Ahmad Jum'a, Abdula Al-Nachas, Wajih Saleh, Hussain Mansoor, Faisal Al-Askafi, Jaber Mansoor Fardan, Sheikh Sadeq Al-Durazi, Haj Hasan Jarallah, Seyed Omran Sharaf Al-Alawi, Ali Abdul Hussain, Habib Hamza, Ali Jaffer Al-Mahoozi, Sadiq Abdulla, Seyed Ali Al-Samak, Seyed Adnan Seyed Hashim, Maitham Ali Al-Sheik, Jafar Islami, Ahmad Abdulla Saeed, Fadhil Hamid Ahmad Ismail, Ibrahim Jaffer, Mohsin Abdulla Isa, Imad Mohammed Isa and Ali Abdul Hussain. Some were said to be detained at Al-Khamis detention centre.

107. On 16 March 1999, the Special Rapporteur sent an urgent appeal on behalf of Ali Al Sadadee, Adnana Seyed Hashem and Sadeq Al Drrazi, three clerics from the Al Drraz region, who had reportedly been arrested on 5 March 1999 by the SIS and held at the Al Khamees police station. Ali Al Sabadee was allegedly beaten with PVC hose pipes on the soles of his feet and his ears, Adnana Al Seyed Hashem had allegedly been whipped and not allowed to go to the bathroom and Sadeq Al Drrazi had allegedly been subjected to various forms of psychological torture, such as hearing that his wife would be raped and that his mother would be tortured.

108. On 6 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Sheikh Hussain Al Akraf, Sayed Hashim Sayed Ibrahim, Sayed Sadiq Sayed Ibrahim, Mohammed Jaffar Al Basri, Fadhil Al Zubeid, Salman Bu Hassan and Mohammed al Qattan, aged 17. Sheikh Hussain Al Akraf had reportedly been re-arrested on 9 July 1999 after having just been released after more than three years of administrative detention. He was reportedly held at the Al Qala police station in Manama, where he was allegedly subjected to electric shocks. The others, all from Karzakkan, were reportedly arrested on 9 July 1999 while demonstrating for the release of Sheikh Al Jamri. They were allegedly subjected to torture at Al Qala police station, Manama, before being transferred to the Zallaq detention centre, where they were still being held.

109. On 18 October 1999, the Special Rapporteur sent a joint urgent appeal in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Hamid Ali Yousif Yahya, aged 17, Isamil Isa and Ali Salman, who had reportedly been arrested by the Special Security Forces on 2 October 1999 during street demonstrations. They were reportedly held at the Budaya police station, where they were allegedly tortured.

110. On 19 November 1999, the Special Rapporteur sent an urgent appeal on behalf of 26 persons, including 11 children. The following persons were said to have been arrested at Malekya in mid-October 1999: Mohammed Ibrahim, Jasim Khalaf, Abdulla Ashoor Kadhim, Seyed Hashim Kadhem, aged 16, Seyed Ahmad Al-Jaway, aged 16, and Jaffer Ibrahim, aged 16. The following persons were said to have been arrested mid-October in Tobli: Seyed Jalal Mahmood Sharaf, aged 17, Seyed Isa Ali Ismail, Seyed Adnan Seyed Hashim and Ibrahim Abdulla Ahmad Abbas. The following persons were said to have been arrested in Karzakan on 14 October 1999: Abdul Amir Isa Abdulla, aged 17, Mohammed Jasim Abdul Rasool, aged 17, Monir Ahmad Ali Al-Sheikh, aged 17, Abbas Hassan Juma Al-Shakhori, aged 15,

Mohammed Hassan Ashoor, a teenager, Hussain Isa Abdulla and Ahmad Abbas Marhoon. The following persons were said to have been arrested in Sitra in mid-October 1999: Ali Ahmad Abdulla Al-Tobaji, aged 17, and Abdulla Ahmad Ibrahim Abdulla. The following persons were reportedly arrested in Ras Romman on 13 November 1999 and were being detained at the Al-Hoora prison: Aqeel Matar, Mohammed Matar, Abdulla Taher, Saeed Ibrahim, Hassan Jafar Madan and Ali Abdul Mahdi Hassan Al-Mottawa. Sheikh Hassan Al-Qaidom, a religious scholar, was also reportedly arrested and his whereabouts were unknown.

Follow-up to previously transmitted communications

111. By letter dated 14 December 1998, the Government responded to an urgent appeal sent on 18 November 1998 (see E/CN.4/1999/61, para. 74). The Government replied that Muhammad 'Ali Muhammad ad-'Ikri was lawfully arrested on 1 November 1998 for riotous behaviour contrary to the 1976 Penal Code and was being detained at a regular place of detention, the name of which was not provided by the Government for reasons of public security. The Government assured the Special Rapporteur that his family were aware of the place of his detention and have been in regular and frequent contact with him. The Government denied that he had been held in secret or incommunicado detention and stated that the reason for his arrest had no connection with his previous juvenile record. The Government further informed the Special Rapporteur that his conditions and treatment had been humane, that he was in good health and that he had been afforded rights of visitation, representation and medical care in accordance with the law and international standards. The Government stated that all issues relating to his detention, trial and release had been and would be, determined by due process and that systematic, pro-active, measures were in force to safeguard the physical and mental integrity of all detainees in Bahrain, including their protection against torture and the use of excessive force.

112. By letter dated 30 December 1998, the Government responded to an urgent appeal sent by the Special Rapporteur in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on 10 November 1998 (see E/CN.4/1999/61, para. 72). The Government denied that nine of the individuals had been arrested or detained. Of the remaining individuals named in the urgent appeal, the Government replied that one male was lawfully detained for riotous behaviour and three males and two females were lawfully arrested and detained following a police investigation into the premature detonation of an explosive device which was part of a so-called "Hizbollah" led terrorist bombing and arson campaign in Bahrain. The Government denied that any of the six individuals arrested had suffered any physical or mental abuse or ill-treatment. The Government informed the Special Rapporteur that all prisoners are held in humane conditions and are afforded rights of welfare, visitation and medical care in accordance with the law. It further stated that women prisoners are supervised only by female prison guards and are held in a modern, purpose-built women's prison. The Government also drew the Special Rapporteur's attention to the ongoing programme, operating with the Government's unqualified cooperation, of visits by the International Committee of the Red Cross. Further, the Government informed the Special Rapporteur that any prisoner could seek domestic legal and administrative remedies concerning treatment in detention, which none of the individuals in the present case had sought to do.

113. By letter dated 4 January 1999, the Government responded to an urgent action sent by the Special Rapporteur in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on 20 November 1998 (see

E/CN.4/1999/61, para. 75). The Government replied that five of the individuals had been lawfully arrested and detained and subsequently released. Without referring to their names, the Government stated that three of them had been released on 11 October, one on 21 October and one person on 24 October 1998. The Government denied that one of the persons named in the communication had been arrested. The Government further denied that any of the individuals who were arrested suffered physical or mental abuse or any other form of ill-treatment, adding that such allegations were familiar propaganda and lacked any credibility.

114. By a separate letter dated 4 January 1999, the Government replied to an urgent appeal sent by the Special Rapporteur on 18 November 1998 (see E/CN.4/1999/61, para. 73). Without referring to their names, the Government replied that one of the people named in the communication had been released by the Juvenile Court on 24 October 1998, while four others were remanded at the Juvenile Centre pursuant to orders made by the Juvenile Court under the 1976 Juveniles Law. The Government provided the Special Rapporteur with some information about the treatment of children under the age of 15 under the criminal law in Bahrain, including information about the Juveniles Law. The Government stated that children are always dealt with exclusively by women police officers and accommodated at a purpose-built Juvenile Centre staffed entirely by women trained in child welfare and social work. At the Juvenile Centre, children are provided educational, recreational and welfare facilities including full follow-up and outreach services. The Government further replied that there was no information that the remaining four persons had been arrested, detained or otherwise held in custody, except possibly one youth with a similar name who was being lawfully detained at a regular place of detention. The Government denied allegations that minors were detained in "secret" locations and stated that relatives of detainees were always told where detainees were being held. In relation to children, the Government advised that parents of children in custody were always notified and brought to their child immediately upon apprehension and thereafter had regular and frequent contact with the child and were present at all Juvenile Court proceedings. The Government also denied allegations that persons arrested or detained by the authorities suffered physical or mental abuse or other forms of ill-treatment. According to the Government's reply, such treatment is unlawful under the 1976 Penal Code and there are practical safeguards in place to ensure that such treatment does not occur.

Observations

115. The Special Rapporteur appreciates the replies to his urgent appeals, but regrets the absence of response to the extensive allegations transmitted on 24 September 1998. He welcomes the Government's withdrawal of its reservation in respect of article 20 of the Convention against Torture. The Special Rapporteur regrets the Government's continuing failure to extend an invitation to him to visit the country.

Bangladesh

Regular communications and replies received

116. By letter dated 15 November 1999, the Special Rapporteur advised the Government that he had received information according to which the police routinely use physical and psychological torture and other abuse during arrests

and interrogations. The alleged torture reportedly includes threats, beatings and the occasional use of electric shocks. Allegedly, the Government rarely prosecutes or punishes those responsible for the torture and a climate of impunity allows such police abuses to continue. By way of example, it was reported that following the arrest of several Dhaka policemen for allegedly beating a college student to death (see para. 119 below), the Deputy Commissioner of the Dhaka police detective branch defended the use of physical coercion against suspects, stating that the practice was necessary to obtain information.

117. Prison conditions are reportedly extremely poor and life-threatening. Official figures reportedly indicated that 123 persons died in prison in 1998 and that poor prison conditions were a contributing factor. Most prisons are reported to be grossly overcrowded. The reported prison population of 50,000 is said to be more than twice the official prison capacity. A May 1998 judicial report indicated that the Dhaka central jail, with an official capacity to hold 2,190 prisoners, was in fact holding nearly 6,000 prisoners.

118. The Special Rapporteur received information on the following individual cases summarized below.

119. Shanim Reza Rubel was reportedly arrested on 23 July 1998 by the police on a charge involving weapons. He was reportedly released five hours later on the same day and admitted to the Dhaka Medical College hospital, where he died from injuries allegedly sustained while in custody. Six policemen were reportedly arrested in connection with his death. The Government reportedly appointed a judge to investigate the incident and to recommend measures to prevent a recurrence.

120. Arun Chakroboty is reported to have died on 23 January 1998 when he fell from the roof of a five-story building. Police reportedly claimed that he fell while trying to escape. It is alleged, however, that Chakroborty suffered some injuries consistent with having been tortured.

121. Harun Sheikh was reportedly arrested on 4 February 1998 in Khulna. Police, including senior officers, at the Rupsha police station allegedly beat him severely. On 6 February a court reportedly ordered that he be released and given medical treatment. He is reported to have died that evening. His family reportedly filed a petition at the magistrate's court alleging that he was murdered by the Officer-in-Charge and Assistant Sub-inspector, but no investigation is known to have been carried out.

122. By the same letter, the Special Rapporteur reminded the Government of a number of cases which were transmitted in 1994, 1995 and 1996, to which no replies were received.

Follow-up to previously transmitted communications

123. By letter dated 31 May 1999, the Government responded to individual cases sent by the Special Rapporteur on 23 September 1998 (see E/CN.4/1999/61, paras. 80-82).

124. Concerning Sajal Chakma, Bimal Jyoti Chakma, Atul Chakma and Sama Ranjan Chakma, the Government indicated that the allegations were unfounded. It stated that the individuals had been involved in obstructing the free movement of the

army by acts including putting up barricades, in relation to which a case had been registered with the local police and was pending trial.

125. Concerning Shima Chowdhury, the Government replied that the case had been investigated in several stages. It stated that the Intelligence Department of the police force had filed a charge sheet against the police officers allegedly involved. The case was then tried by a special tribunal of judges in Chittagong and all the accused police officers had been acquitted. The Government further stated that an appeal against the ruling had been filed in the High Court division and was pending hearing.

126. The Government indicated that other remaining allegations transmitted previously are being investigated and its replies to these allegations will be transmitted in due course.

Belarus

Regular communications and replies received

127. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information according to which several demonstrations had been violently dispersed by the police, especially anti-riot police. In particular, the Special Rapporteur has received information on the following incidents.

128. On 2 March 1998, members of the Belarusian People's Front (BPF), an opposition political party, reportedly participated in an official meeting commemorating the signing of the Russia-Belarus Union Charter on Yakub Kolas square in central Minsk. A number of men in plain-clothes reportedly started to beat and detain BPF and Youth Front members shortly after they had begun to disperse. In particular, Vyacheslav Sivchyk, the executive secretary of BFP, was allegedly beaten and kicked as he was lying on the ground at the time of arrest. The following day, he was reportedly sentenced by the Minsk Central District Court to 10 days' imprisonment for holding an unsanctioned demonstration. Following the trial, he was reportedly taken to the Central District Remand Centre, where he is said to have lost consciousness. He was then reportedly taken to hospital, where he was diagnosed as suffering from severe skull and cerebral trauma. He was discharged from the hospital and allowed to go home on 6 April 1998.

129. Irina Khalip, the editor of the weekly Belarusian language newspaper Imya, and her father, Uladzimir Khalip, were reportedly arrested and severely beaten on 2 April 1997 while they were attending a demonstration to protest the signing of the Russia-Belarus Union Charter. Many demonstrators, including a number of journalists, are said to have been severely beaten at the time of arrest. Irina Khalip was allegedly beaten on her back with batons and dragged by her hair through the lines of the riot police. Each policeman is said to have hit and kicked her. Upon arrival at the police station, Uladzimir Khalip is said to have lost consciousness and to have subsequently been hospitalized for treatment, particularly for severe kidney contusion. In September 1997, he again required hospitalization. According to the information received, doctors informed his family that he had irreversible damage as a result of his head injury. An official complaint was reportedly lodged with the Minsk city procurator. Irina Khalip reportedly received notification from the procurator that the complaint had been registered and that a criminal investigation had

been initiated in relation to the police exceeding their authority. It is reported that the procuracy dropped the investigation in June 1997. Another investigation following the lodging of a complaint by the Belarusian Association of Journalists demanding a criminal investigation was also reportedly closed.

130. Vladimir Yukho, a senior BPF member, was reportedly arrested on 24 February 1998 during a court hearing. Several persons who could not attend the hearings were reportedly waiting outside the court building. He reportedly grabbed the arm of a riot policeman who was allegedly about to push a woman down some stairs. The policeman reportedly grabbed him and dragged him to a police minibus with sliding doors parked nearby. According to the information received, when he was put in the vehicle, Vladimir Yukho's hand was slammed in the door. On the way to the police station, a senior police officer, a major and the deputy head of the Minsk Leninsky District Police Department allegedly choked him so severely that his neck was bruised. He was later reportedly charged with breaching articles 166 and 167 of the Administrative Code. On 24 February 1998 he reportedly filed an official complaint with the regional prosecutor. On 9 April, he was reportedly fined 5 million rubles by the Minsk Leninsky District Court for participating in an unauthorized demonstration and for resisting arrest.

131. On 17 October 1999, a coalition of opposition political parties and non-governmental organizations are said to have organized a rally in central Minsk calling for democracy, freedom of speech and Belarusian independence. A deep cordon of special riot police ("OMON") in helmets and blue camouflage uniforms and equipped with shields and clubs, reportedly blocked the street. According to the information received, a dozen riot policemen then started to beat the demonstrators, who reportedly began to pelt these officers with stones which happened to be lying at the nearby construction site. Some demonstrators were reportedly arrested and taken back to the police line where they were allegedly severely beaten and kicked. Around 90 demonstrators were subsequently taken into police custody, where they were allegedly beaten. Detainees were reportedly forced to stand with their legs and arms apart and were severely beaten and kicked by OMON officers with night sticks. Women were reportedly threatened with rape. Volodya Chernaev, a Social Democratic Party activist, is said to have been arrested and to have been taken to the Partizanzky police station. During the transfer, he and others who had been arrested at the same time were allegedly punched and beaten with night sticks. They were also allegedly threatened with being taken to the forest where they would be killed. Some of the people detained are said to have filed complaints with their district prosecutors.

Urgent appeals and replies received

132. On 10 March 1999, the Special Rapporteur sent a joint urgent appeal in conjunction with the Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion on behalf of Viktor Gonchar, an opposition leader who reportedly suffered a heart attack in prison on 5 March 1999. The prison authorities have allegedly refused to hospitalize him. He was reportedly being forcibly fed by prison officials, having commenced a hunger strike just after he was sentenced on 1 March 1999, in order to protest his imprisonment. He and 15 other members of the opposition were reportedly detained on 25 February 1999 during a peaceful meeting in a café. On 15 March 1999, the Special Rapporteur received further information, according to which he was released on 11 March 1999.

133. The Government replied on 27 April 1999 that Viktor Gonchar had been placed in administrative detention for 10 days in a special holding facility, pursuant to the Administrative Offences Code, after attending a gathering on 25 February 1999 for which no authorization had been issued by the Minsk City Executive Committee. With respect to his time in detention, the Government stated that he was kept under constant medical supervision on account of his health. The Government informed the Special Rapporteur that any reports of police irregularities had no basis in fact.

Brazil

Regular communications and replies received

134. By letter dated 17 November 1999, the Special Rapporteur advised the Government that he continued to receive information concerning cases of brutality in prisons. Based on a recent report on the situation in Brazilian prisons, it was alleged that even though internal legislation might provide adequate provisions to safeguard detainees' human rights, a combination of corruption, lack of professional training for prison guards, and lack of official guidelines and effective monitoring of abuses, had prompted an on-going crisis in the penitentiary system.

135. Prisoner-on-prisoner violence is reported to be a serious problem. Prisoners are said to be at risk for a number of reasons, including drug-related prison debts, gang rivalries and the types of crimes prisoners committed. On 29 May 1998 a fight reportedly broke out between rival gangs of prisoners in the Barreto Campelo maximum security prison in Pernambuco, allegedly leaving 22 prisoners dead and 13 prisoners injured. Those targeted had allegedly committed homicide, robbery and rape in the prison. A similar incident two days earlier had left three prisoners dead and 20 injured. The State Secretary of Justice is said to have later blamed the violence on overcrowding and under-staffing in prisons.

136. Torture is also said to be used as a punishment by prison officers. Prison officers allegedly apply illegal collective "punishments", most commonly by stripping, beating and humiliating prisoners, destroying or contaminating their food, denying them access to food, or terminating or restricting visits.

137. The Special Rapporteur has received information on the following cases.

138. On 24 December 1997 a fight reportedly occurred between prisoners in the Céu Azul wing of the men's penitentiary in Manaus and the kitchen "trustees", who had allegedly previously beaten prisoners with the acquiescence of the prison governor. The civil police riot squad, which was reportedly called in to end the disturbance, allegedly took the prisoners to the prison football pitch. After being stripped naked, they were allegedly forced to crawl through filth from a sewage outlet, while the prison officers beat them with truncheons and kicked them in the ribs. They allegedly had to shuffle on their knees back to the prison building. They were also allegedly beaten in the following months by police riot troops. It is alleged that prisoners were dragged out of their cells, stripped naked and forced to kneel down and beat each other, as well as being forced to insert fingers into a fellow prisoner's anus.

139. In February 1998, members of a civil police Special Armed Unit for the Prevention of Robbery reportedly entered Depatri prison in São Paolo and

allegedly beat many of the prisoners, causing them welts, lacerations, bruising and broken bones. This unit had allegedly raided the jail at night on a weekly basis, masked and armed, firing shots into the cells, destroying personal effects, ordering prisoners to strip and inflicting torture such as "Russian roulette", in which a revolver allegedly containing a single bullet is fired at a prisoner's head, and the "telephone call", in which a prisoners ears are reportedly struck between the police officer's hands, causing intense pain. After complaints by human rights groups, the Forensice Medical Institute reportedly recorded the injuries of around 130 prisoners and a police investigation was ordered.

140. On 12 January 1997, 80 women prisoners were allegedly beaten by male civil and military police officers during a protest in the Santa Rosa de Viterbo prison in Altinópolis, São Paolo, after an inmate was allegedly refused permission to attend her grandson's funeral. One woman suffered a miscarriage as a result of the beatings, another sustained a broken arm and another required 10 stitches to her head. On 11 March 1997, women in the Women's Penitentiary in São Paolo were also allegedly beaten by male prison officers. At least 15 were reported to have suffered injuries.

141. The Special Rapporteur received information according to which the São Paulo state police ombudsman received 696 complaints from January to September 1998 alleging torture, abuse or mistreatment. The ombudsman reportedly stated that that number represented only a fraction of such acts that were actually committed. In June 1998, an inquiry into the allegedly systematic torture of prisoners in January and February 1998 was reportedly instigated by the civil police in São Paulo. The findings of the inquiry were that, of a total of 350 prisoners held in a detention facility, 107 persons showed evidence of systematic beatings resulting in broken arms, legs, fingers and jaws. The civil police reportedly dismissed four officers as a result of the investigation.

142. It is also reported that on 15 June 1998, the Federal District dismissed a police officer and charged him with torture for beating a prisoner who had been detained for a traffic violation. This was reportedly the first case brought under 1997 federal legislation prohibiting torture.

143. The Special Rapporteur also transmitted the following individual cases.

144. Octavio dos Santos Filho reportedly died in a police lock-up in São Paulo on 13 October 1997. Nineteen fellow inmates claim that police and prison officers repeatedly beat him and slammed his head against the metal bars and walls of the cell. Over the course of several days, police officers took him on more than one occasion to the nearest hospital to have his injuries treated, and allegedly further ill-treated him en route. After a severe beating on 9 October, he was left alone, pleading for medical help. When police finally took him to the health post, four days later, he was already dead.

145. Rosana Lage Ligero and Marilu Josu Silva Barbosa, two women who had been living openly as a lesbian couple, were reportedly arrested in June 1996, after an alleged partial investigation, by the local police in Jaboatão dos Guararapes, Pernambuco. Although the police claimed to have a judicial order for the women's arrest, such an order was only issued two days after the women had entered police custody. While in custody, the two women were allegedly beaten with a rubber whip and threatened with rape. They were also verbally abused for their lesbianism. The two police officers conducting the interrogation forced

each woman to perform oral sex on them with the intention of showing them "what they were missing by not having sex with men". They were transferred to several detention centres and eventually moved to a prison where they remained incarcerated for 11 months. The women agreed to being examined by the state's Legal Medical Office, which corroborated the physical injuries they had sustained as a result of the police beatings. Following a public hearing in 1997, a judge ordered their release on a temporary basis. Despite the evidence of police misconduct, they have reportedly been awaiting a review of their case by the Supreme Court of Brezil for two years. They have insistently and unsuccessfully petitioned the Ministry of Justice for a full and impartial investigation into the wrongful charges, as well as into the police brutality and torture.

146. Deilson Santana, a suspect in the brutal killing of an 18-year-old student in an affluent neighbourhood of Rio de Janeiro, was allegedly tortured by police in May 1998.

147. Elcio Oliviera Lima reportedly died of heat prostration in an overcrowded local jail in the Santa Cruz neighbourhood of Rio de Janeiro in February 1998. A police officer on duty reportedly told the press that the temperature in the jail cells routinely reached 115 degrees Fahrenheit. Guards also reported that there was a constant shortage of water in the jail and that Lima was detained with 13 other prisoners in a 4.5 foot by 9.5 foot cell with an official capacity of seven persons.

148. George de Assis and Guilherme Henrique were reportedly arrested on 8 June 1998 and taken to the Theft and Robbery police station in Belo Horizonte, Minas Gerais, where they were allegedly tortured. The authorities are reported to have claimed that they were transferred to the prison in Ribeirão das Neves and then released. Their families were reportedly informed by a police officer that they had died.

149. Edson Soares da Silva, a tetraplegic, is said to have died on 1 June 1997 after his state of health had progressively deteriorated during his period of detention. He had reportedly never been transferred to a public hospital.

150. Jorge Natale was reportedly arrested on 10 November 1998 and taken to the Theft and Robbery police station in Belo Horizonte for questioning about a break-in. He was allegedly taken to a sort of bathroom where he was stripped naked. Civil police officers, including the station chief, tied his arms and legs and hung him from a metal pole over a trestle. They then allegedly took a piece of rubber tied to a stick and beat him on the soles of his feet and on his head. They allegedly also applied electric shocks to his scrotum, buttocks, ribs, head, chest and arms. He reportedly made a deposition to the police ombudsman's office.

151. Claudio Orlando dos Santos, an AIDS activist from southern Brazil and President of the Florianópolis Association for the Defence of Homosexual Rights in Santa Catarina, was allegedly beaten up and verbally harassed by Florianópolis military police officers on 24 May 1994. He was reportedly beaten while distributing condoms to the travestites in Capoeiras neighbourhood, Florianópolis, on behalf of the Santa Catarina health authority. He was first harassed by a police officer and called from a public telephone the Captain of the Military Police, the Coordinator of Centro de Operações da Policia Militar (COPOM), to report what had happened. It is then reported that the military

police officers returned and beat and kicked him. After he lost consciousness, he was reportedly handcuffed and moved, in the boot of a military police vehicle, to the 8th Civil Police Precinct, where he was allegedly beaten again and insulted. A civil police officer who is said to have witnessed his ill-treatment, reportedly did nothing to prevent what was happening. The military police allegedly initially prevented him from making a formal complaint. However, he was reportedly later released and filed a complaint against the military police. At that time, he was already beginning to develop full-blown AIDS and was subsequently admitted to hospital with severe gastroenteritis, possibly brought on by being ill-treated by the police. He reportedly remained in hospital until his death on 3 November 1994. The police inquiry is said to have been closed because of lack of evidence and no one was ever charged.

152. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 and 1998 regarding which no reply had been received.

Follow-up to previously transmitted communications

153. By letter dated 30 November 1999 the Government replied to information transmitted by the Special Rapporteur on 5 November 1998 involving a 17-year-old boy, Magnaldo de Aguiar, allegedly dumped into a vat of chemicals in February 1997 by police in Pernambuco (see E/CN.4/1999/61, para. 87). The Government replied that a military police inquiry had recommended that a number of members of the military police, including a major, a lieutenant, a second class lieutenant and a number of soldiers, should be indicted. The Government stated that the General Command of the Military Police of the state of Pernambuco had adopted the findings of the inquiry and had commenced legal proceedings. The Government reiterated its commitment that the case against the above individuals would be undertaken with full regard for due process and in accordance with the law. The Government advised that the Secretary for Public Security of Pernambuco had received a copy of the depositions made by the indicted members of the military, with a view to investigating the potential responsibility of the owner of the company at which the chemical vat which allegedly caused the injuries was found. The Government further advised that Magnaldo de Aguiar had received intense medical treatment, including 39 days at the Hospital da Restauração during which time he underwent plastic surgery to replace skin in the lower part of his body. He had also been treated by a physiotherapist who initially reported that he had limited movement, but he has subsequently recovered his capacity for movement.

154. By letter dated 7 December 1999, the Government replied to information transmitted on 5 November 1998 concerning inmates at the Masmorra-Dungeon Pavillion 4 House of Detention, Carandiru in São Paulo (see E/CN.4/1999/61, para. 91). The Government indicated that the Secretary for Penitenciary Administration of São Paulo was of the view that problems at the above detention facility were provoked by the dimensions of the facility and overcrowding. The Government indicated that those two problems had been overcome by dismantling the facility and establishing 21 new detention facilities in São Paulo, some of which hade already been built pursuant to a cooperation agreement signed by the state authorities and the Federal Ministry of Justice. In relation to the incident on 24 January 1998, the Government replied that an Inquiry Commission was established by the Secretary for Penitenciary Administration to investigate the facts and determine responsibility for the alleged torture; it was being presided over by the State Attorney. The Commission accepted the allegations of

prisoners being subjected to bad treatment, beatings and humiliation by a group of 15 prison guards during a riot in the Pavillion, which was provoked by fighting amongst prisoners using hand made arms. The Government stated that the prisoners identified only two guards as their alleged aggressors: the Chief of Discipline for Pavillion 4 and the officer responsible for vigilance in the same pavillion. It replied that based on the Commission's conclusions, an administrative process had been established as a prior step to the penal procedure.

155. By further letter dated 7 December 1999, the Government replied to two cases transmitted by the Special Rapporteur on 26 May 1997 (see E/CN.4/1998/38/Add.1, paras. 31-32). Concerning José Wilson Pinheiro da Silva, the Government replied that the Secretary for Public Security and Defence of Citizenship of the state of Ceará had advised that he was arrested on 15 August 1996 on account of drunken and violent behaviour and brought to the 5th Federal police station in Fortaleza. At the station, the Government replied, he was put into a cell where he was agressed by another detainee who inflicted on him the injuries mentioned in the letter. The Government stated that the police authorities had provided him with medical assistance and commenced a police inquiry against the aggressor.

156. Concerning Ivanildo Sampaio de Souza, the Government replied that he was found dead in a cell at the Federal Police Office in Fortaleza on 25 October 1995. He had been arrested the previous day for illegal possession of drugs, and after an initial deposition was taken, he was brought to the cell where his body was later found. A medical examination indicated that he had been subjected to torture, which affected many of his vital organs. A subsequent police inquiry established the responsibility of the police officers who were responsible for the station that day. Based on these findings, the Federal Public Prosecution Service accused seven police officers and the police station chief of homicide. The officers and chief were temporarily removed from the Federal Police until the case was heard by the Ministry of Justice. Two of the officers were expelled from office by an administrative process (No. 001/96). The same administrative process concluded that the other policemen were not guilty. The Government further replied that the police inquiry also made possible the establishment of criminal proceedings at the Third Federal Court in Ceará, in which due process would be applied. The Government stated that due to its formal acknowledgement of its objective responsibility for the death of Ivanildo Sampaio de Souza, the President has sent to the National Congress a proposal to grant a permanent monthly pension to his widow and children, which was approved by Congress on 12 September 1996.

157. By letter dated 13 December 1999, the Government replied to information communicated to it on 5 November 1998 regarding reportedly harsh conditions in prisons (see E/CN.4/1999/61, para. 89). The Government informed the Special Rapporteur on recent measures taken to improve recognized deficiencies in the prison system. These measures include increasing the physical capacity of the penal system through the reform and enlargement of existing detention facilities, as well as the construction of 52 new prisons, all as part of the Ministry of Justice's "zero deficit" initiative. In relation to training law enforcement officials, the Government indicated that this is an area which is receiving special attention, and that it has been exploring possible avenues for international cooperation as a result. The Government further informed the Special Rapporteur of the adoption of a law allowing judges to impose alternative sanctions that could help further the reintegration of detainees

into society, as well as of treaties negotiated by the Government with third countries allowing the transfer of foreign prisoners to their State of origin. The Ministry of Justice has also launched a project called "Collective action for penal execution", which establishes prison visits by public defenders charged with assisting poor detainees. In relation to improving health conditions in prisons, the Government indicated that the Ministry of Foreign Affairs and the Ministry of Justice had jointly created a commission to plan a comprehensive programme of prevention and treatment of sexually transmitted diseases among detainees.

Bulgaria

Urgent appeals and replies received

158. On 22 March 1999, the Special Rapporteur sent an urgent appeal on behalf of Borislav Goutzanov, who had reportedly been detained at the Varna pre-trial detention centre since 19 January 1999. He was said to be detained in an unheated cell, to have to sleep on the floor and to be suffering from pneumonia. He was reportedly denied medical treatment.

Burundi

Regular communications and replies received

159. By letter dated 3 September 1999, the Special Rapporteur was informed that torture and ill-treatment are still widespread, particularly in police stations, for the purpose of extracting confessions. The methods used included beatings on the soles of the feet, genitals, knees and elbows with electric cables, truncheons and other objects; electric shock; scalding with boiling water; uncomfortable or humiliating positions and death threats, sometimes with mock executions. No investigation has ever been made of such allegations, and the courts reportedly accept confessions obtained through torture. The Security Police and the Special Investigation Brigade are allegedly at the root of many cases of torture, yet governmental, judicial and police authorities refuse to admit that such cases occur.

160. The Special Rapporteur has also received information on inhuman and degrading detention conditions. The main problem appears to be overcrowding: some prisons such as those at Ngozi, Gitega and Mpimba reportedly house three to five times the number of detainees envisaged. More than 200 individuals allegedly died from January to April 1998 at Ngozi prison in the north as a result of malnutrition, overcrowding and lack of hygiene. Communicable diseases are very common. No means of subsistence are provided to the detainees. Many of them need medical care. Lieutenant Colonel Pascal Ntako, accused of taking part in a coup against President Buyoya, allegedly died in Muyinga prison around 11 May 1997 for lack of medical care.

161. Finally, the Special Rapporteur has been informed that rape is regularly practiced by members of the military. No steps to prevent such acts or to remedy their effects have been taken.

162. The Special Rapporteur has likewise received information on the following cases.

163. Jean Minani was allegedly accused of killing a former mayor of Bujumbura and arrested in March 1995. He was reportedly interrogated in the Special Investigation Brigade, where he was violently beaten and ultimately confessed to the crime of which he was accused. He reportedly complained of this ill-treatment to the public prosecutor in August 1995. He was acquitted in October 1998 after his lawyer demonstrated that his confession had been obtained under torture. Eleven other persons detained in connection with the same incident were also beaten.

164. Etienne Mvuyekure, a former secretary-general of an opposition party, the Rassemblement du Peuple Burundais, was allegedly arrested on 2 November 1997 and executed shortly thereafter. He was reportedly arrested in the Rweza region, Kavumu Hill, Bujumbura, by a commander of the Muyira military zone. He is said to have been beaten violently at the time of his arrest and then taken to the barracks known as Para. Battalion. No investigation has been carried out to date.

165. Captain Protais Nzeyimana was allegedly arrested without a warrant on 8 March 1997 at Ijenda by the commander of the military brigade there. He was reportedly detained for five days. During his interrogation, he was beaten and threatened with death. He was then transferred to the National Documentation service and kept in solitary confinement. He was reportedly interrogated there several times by a military commission and beaten with various objects, including truncheons.

166. Djamali Nsabimana was allegedly condemned to death on 12 February 1998 after being found guilty of planting mines in Bujumbura in March 1997, even though he stated he was tortured on several occasions in the military barracks of Bujumbura while being interrogated in the first three days after his arrest. He is reported to have been violently beaten on the head, back, legs and soles of the feet using machetes, rods and bayonets. He was allegedly stabbed above the knee and threatened with amputation of his legs if he did not confess his crimes. Finally, he was reportedly subjected to electric shock to the fingers and genitals. After three days of torture, he allegedly signed a confession. During his trial before the Bujumbura Court of Appeals, he showed the marks of the treatment to which he had been subjected. The presiding judge nevertheless refused to order an investigation and based part of his ruling on the fact that, when Djamali Nsabimana first saw a judge, he had not complained of ill-treatment.

167. On 31 August 1998, Appolinaire Nsengiyuma, Salvatore Nsavyimana and Serge Bizimana were allegedly arrested at their homes, in the Kinama and Kamenge sectors of Bujumbura, by soldiers accompanied by civilians. They were accused of involvement in opposition groups. All three were reportedly mistreated in the barracks of the Kamenge Third Operational Battalion. Appolinaire Nsengiyuma and Salvatore Nsavyimana were subsequently hospitalized around 9 September. Serge Bizimana, who suffered serious head injuries, was transferred to the Special Investigation Brigade on 12 September.

168. Pascal Ntihabose, a member of the Front for Democracy in Burundi, was allegedly arrested in Bujumbura after accusing a soldier of having ties with armed opposition groups. He was reportedly beaten at the time of his arrest and detained for several weeks by the security police at Kigobe in Bujumbura before being transferred to prison.

Urgent appeals and replies received

169. On 13 July 1999, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Léonidas Hatungimana, Djamali Nsabimana, Ismail Hussein, Haruna Hamadi, Bosco Nyandwi, Saïdi Nzanzurwimo and Pierre Nkurunziza, who were allegedly condemned to death in February 1998 by the Bujumbura Court of Appeals. They were reportedly indicted in connection with mine explosions in Bujumbura in 1997. In order to extract incriminating confessions from them, they were allegedly tortured. During their trial, the marks of the ill-treatment to which they had been subjected were clearly visible but, it is said, this fact was not brought up during the trial. The rulings were upheld on 29 March 1999 by the Cassation Chamber of the Bujumbura Supreme Court. The seven people mentioned above are currently detained in apparently overcrowded punishment cells in the Mpimba central prison at Bujumbura.

170. On 5 October 1999, the Special Rapporteur sent an urgent appeal on behalf of Déo Nzeyimana and his wife, Georgette Mpawenimana, who have allegedly been detained in the Special Investigation Brigade of Bujumbura since 26 September 1999 and are being deprived of food in order to punish them and obtain confessions. Georgette Mpawenimana, who is involved in a community reconstruction project financed by Switzerland and France, is reportedly accused of having links to the armed opposition. Both are allegedly members of the Front for Democracy in Burundi. In addition, Déo Nzeyimana was struck on the soles of the feet.

Cameroon

Regular communications and replies received

171. By letter dated 8 November 1999, the Special Rapporteur reminded the Government of a number of cases transmitted in 1998 regarding which no response had been received.

Urgent appeals and replies received

172. On 2 June 1999, the Special Rapporteur sent an urgent appeal on behalf of Abdoulaye Math, a lawyer, Semdu Soelay and the members of the Movement for the Defence of Human Rights and Freedoms (MDDHL) of Maroua, whom he had met on 17 May 1999 during his fact-finding mission to Cameroon. At that time they gave him information on an anti-gang unit based at Maroua and headed by Colonel Pom. On 28 May 1999, it is reported, several members of the anti-gang unit got out of three trucks and, under Colonel Pom's direction, surrounded the house of Mr. Math, who had taken refuge with a neighbour. The units were reportedly posted in sniper position around Mr. Math's house all night. On the night of 29 May 1999, the units allegedly took up the same position around the house of Mr. Math's associate, Semdu Soelay. Fearing for his life, Mr. Math fled to Yaoundé, where he was to be joined by Semdu Soelay. According to the information received, the police are searching for them in various hotels in that city.

173. On 26 November 1999, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Tchambou, a member of the MDDHL of Maroua, who was allegedly arrested on the morning of 21 November 1999 by police officers and members of the anti-gang brigade. He was detained at the police station before being transferred

that afternoon to the anti-gang detention centre at Palar, where he has since reportedly been held incommunicado. The reasons for his arrest are not known but would appear to be connected to his activities as a human rights defender.

Follow-up to previously transmitted communications

174. By letter dated 7 April 1999, the Government replied to the urgent appeal sent by the Special Rapporteur on 11 November 1997 (see E/CN.4/1998/38/Add.1, para. 48) concerning members of the Social Democratic Front. According to the Government, Thomas Fefe and Justin Fokan were arrested on 8 October 1997, while distributing pamphlets calling on the population to boycott the elections, and were taken to central police headquarters, from which they were released after 12 days of preventive detention. The Government denied the allegations of torture.

175. By letter dated 8 April 1999, the Government replied to an urgent appeal transmitted by the Special Rapporteur on 9 December 1998 (see E/CN.4/1999/61, para. 105) on behalf of Michel Michaut Moussala. It confirmed that he had been convicted on 13 January 1998 of dissemination of false information and defamation. The ruling was appealed by the accused, who has been provisionally released while the substance of the case is being considered. The Government indicated that Michel Moussala regularly received the necessary medical treatment during his stay in prison and that his physical or mental integrity has not been violated.

Observations

176. The findings of the Special Rapporteur on his visit to Cameroon, which fully justify the concern of the Human Rights Committee "about the continued practice of torture" (CCPR/C/79/Add.116, para. 20), may be found in Addendum 2 to the present report.

Chad

Regular communications and replies received

177. By letter dated 3 September 1999 sent jointly with the Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion, the Special Rapporteur informed the Government that he had received information on the following case.

178. Sosthène Ngargoune, president of the Chadian Journalists' Union, was allegedly beaten by members of the Armed Forces of the Federal Republic (FARF) when they joined State security force members he was interviewing on 25 October 1997 at the Moundou police station. He was reportedly threatened with death and accused of having ties to the leader of the FARF. His photographic equipment and recording device were confiscated. He had already been arrested on 14 May 1998 and accused of defamation and calumny following the publication in his newspaper, N'Djamena Hebd, of an article in which he described members of the military as highway robbers who enjoyed the complicity of the local administration and in which he denounced extrajudicial executions. He was freed on 12 June 1998.

179. By letter dated 8 November 1999, the Special Rapporteur reminded the Government of a number of cases transmitted in May 1997 regarding which no reply had been received.

Urgent appeals and replies received

180. On 16 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Souleymane Garfa and Ahmadaï Sabre, who are allegedly members of the National Alliance for Resistance (ANR), an armed opposition group. They were reportedly arrested at El Djenenah in Sudan on 27 July 1999 and deported around 3 August 1999. They are currently being detained by the commander of the Second Military region at Adre.

Chile

Regular communications and replies received

181. By letter dated 8 October 1999, the Special Rapporteur transmitted to the Government information on the following cases.

182. Marcelo Gaete Mancilla, Ramón Escobar Díaz, Patricio Gallardo Trujillo, Renú Daniel Salfate Osorio, Marcos Andrade Sánchez, Jaime Pinto Angloni, Guillermo Ossandón Cañas, Pedro Rosas and 46 other political prisoners were subjected to torture and ill-treatment, according to the information received and described below. On 5 February 1999, following an incident involving an inmate, José Luis Medina, and a guard in the Colina I high-security prison, a confrontation occurred, leading the prison staff to fire small-calibre bullets and tear gas at the other prisoners in Mr. Medina's block. A guard is said to have hit prisoner Marcelo Gaete Mancilla in the head with a tear gas bomb and he was carried away, unconscious, by two other prisoners. As a repressive measure, the cells in block J were opened up and the prisoners were awakened with tear gas, handcuffed and subjected to death threats. They were dragged from their cells and members of the Special Prison Anti-Riot Brigade formed a "dark alley" (lines making a corridor through which prisoners were kicked, punched and beaten with sticks). An electric rod was used on prisoner Ramón Escobar, while Guillermo Ossandón Cañas was thrown down ten steps, sustaining corporal contusions, facial bruises and broken eyewear. Outside in the courtyard, the prisoners were forced to drop to the ground in the foetal position; they were again sprayed with tear gas and subjected to more beatings. They were then handcuffed: Mr. Pinto Angloni has the resulting scars. Mr. Andrade Sánchez and Mr. Gallardo Trujillo were allegedly held underwater in a plastic garden pool using the torture technique known as "submarine". One of Mr. Rosas' arms was reportedly burnt with a cigarette butt. In the two hours the prisoners spent in the courtyard, they were able to identify Colonel Edmundo Letelier and Lieutenant Salcedo. A "dark alley" was once again formed, the prisoners again being subjected to the ill-treatment described above, and they were headed towards trucks, in which the majority was transferred to Colina II prison. Upon their arrival, anti-riot personnel again put them through the "dark alley" treatment. Mr. Salfate Osorio, who was transferred to a prison in the town of Antofagasta, was beaten, blindfolded and kept tied up for over six hours. The lawyers for the persons detained in Colina II were not allowed in until 8 February 1999. Relatives and independent medical staff were denied access. The prisoners were reportedly examined by three police physicians; they recognized one known as Chiquito, who reportedly certified their injuries. The chairman of the Chilean Human Rights Committee, Jaime Castillo Velasco, was allowed in and

publicly attested to the injuries. On 12 February, an appeals court prosecutor, Raúl Rocha, entered the prison, accompanied by two forensic scientists who corroborated the facts. A criminal court judge was assigned to the prison. The Director of the National Prison Service, Hugo Espinoza, the superintendent of high security units, Edmundo Letelier, Lieutenant Saldivia and those responsible for the crime of torture were indicted on two criminal charges. The appointment of the above-mentioned appeals court prosecutor was requested, but the appointment of an inspecting magistrate was refused. An application for the remedy of protection was made against the Director of the National Prison Service for denying entry to judicial prosecutors, and other applications for protection and amparo were lodged by relatives of the prisoners. In February 1999, a ruling was handed down on the applications for amparo and protection; it was made public in June 1999. In the operative portion, the Court of Appeals acknowledged that the measures applied by the Chilean prison staff entailed "extreme repression" and caused "considerable injury, deviating from the procedures authorized by the regulations". It concluded that "the conduct of the guards constituted an illegal and arbitrary action jeopardizing the right to life and physical integrity". The Chilean Prison Service reportedly appealed the ruling in June 1999.

183. The Special Rapporteur has also received information on violent acts by carabineros that have caused a number of deaths and serious injuries during public demonstrations. In this context, his attention has been drawn to the following cases.

184. On 19 May 1999, during the days of student demonstrations in the city of Arica, carabineros in the Special Forces Unit made a violent entry into the headquarters in Santiago of the Christian Churches Social Aid Foundation (FASIC), a body devoted to the defence and promotion of human rights. The purpose was the unauthorized detention of three university students. FASIC's Executive Secretary, Claudio González, was reportedly hit, kicked and shoved by the carabineros when he attempted to stop them from beating the students. FASIC has submitted a complaint for breaking and entering and physical assault on persons in its headquarters to the Under-Secretary of the Interior, the police station concerned and the Second Military Prosecutor's Office.

185. Ulises Coque Roa, Miguel Alejandro Vergara Contreras and Sebastián Sánchez Vera, students at the University of Tarapacá, were reportedly beaten by carabineros on 1 June 1999 at the Ministry of Education. The events are said to have occurred while the students were participating in a peaceful demonstration. Three officers of the Carabineros Special Forces Unit allegedly punched and kicked Mr. Coque Roa, Mr. Vergara Contreras and Mr. Sánchez Vera when they were in the entryway of the Ministry of Education, with no attendant provocation by the students. Orlando Soto, representative of the students' federation, reportedly asked the officers involved to identify themselves. A captain from Santiago Police Station No. 1 who gave his surname as Rivero reportedly arrived minutes later and said the officers were not on his staff. He is said to have called the captain of the Carabineros Special Forces Unit, whose name is said to be Aldo Vidal Villegas, who ordered the officers to withdraw. They allegedly did leave the ministry building, while hiding their badges. The three students went for emergency treatment to El Salvador hospital, where their injuries were certified. They have brought criminal charges for the crime of torture.

Urgent appeals and replies received

186. On 23 March 1999, the Special Rapporteur transmitted an urgent appeal concerning Dante Ramírez Soto, an inmate at the high security prison, who urgently needed proper medical treatment. He and other inmates were reportedly subjected to torture during an altercation on 5 March 1999 between detainees and anti-riot personnel at the Colina I high security prison and the subsequent transfer of the majority of the inmates involved in the altercation to Colina II. Mr. Ramírez Soto, who was allegedly suffering from the severe after-effects of gunshot wounds sustained in December 1997, was reportedly punched and kicked at the precise locations of his earlier injuries, especially the head, and his arm was trampled upon. He was also allegedly sprayed with tear gas. He was transferred to the penitentiary hospital but is reportedly not receiving adequate medical treatment, nor is access permitted to a physician from outside the prison. By letter dated 31 May 1999, the Government replied to this urgent appeal.

187. Concerning Dante Ramírez Soto, the Government indicated that he was treated for injuries received when he confronted police officers with a firearm during his apprehension by internal and external staff and after taking part in a hunger strike. He is currently awaiting surgery for the after-effects of injuries sustained during his apprehension and is under preventive detention by order of the Sixth Military Prosecutor's Office of Santiago which, in case No. 1191-97, is prosecuting him for infringement of Act No. 17798 on weapons control.

188. Concerning Omar Hermosilla Marín, he is in preventive custody by order of the Fourth and Sixth Military Prosecutor's Offices which, in cases 94-97 and 321-96, are prosecuting him for infringement of Act No. 18314. He is accused of belonging to a terrorist group and attacking carabineros. In case No. 44465-PL, he has been sentenced for robbery to five years and one day. During his transfer from the high security prison to the Colina penitentiary centre, he was accompanied by paramedical staff who carried out a general examination of all inmates after arrival at the centre. He is currently undergoing physical therapy and is in stable condition with no serious abnormalities.

189. Concerning Pablo Contreras Olivos, the Government indicated that he has been placed in preventive detention by the Second and Fourth Military Prosecutor's Offices in cases Nos. 406-98, 140-98 and 94-97. He is accused of belonging to an armed combat group, stealing war matériel, illicit association and infraction of Act No. 17798. The Government indicated that paramedical staff were present during his transfer but he refused to be examined by prison physicians or forensic medical technicians, a fact which was communicated to the competent court.

190. On 23 March 1999, the Special Rapporteur transmitted an urgent appeal concerning Omar Hermosilla Marín and Pablo Contreras Olivos, prisoners transferred on 6 February 1999 to the Colina II high security prison together with 50 other inmates. Mr. Hermosilla Marín was reportedly hit in the head on 8 March 1999 by prison staff. Mr. Contreras Olivos is said to have been subjected to torture the same day. Both had definite physical after-effects that required urgent medical treatment.

Follow-up to previously transmitted communications

191. On 25 April 1997, the Special Rapporteur sent an urgent appeal on behalf of Johnny Pérez Torres, Andrés Serrano Leiva, Dagoberto Contreras Llanes and Guillermo Saavedra Aguilera, who were reportedly arrested and tortured in early April 1997 (see E/CN.4/1998/38/Add.1, para. 66). By letter dated 29 July 1997, the Government indicated that the case was in pre-trial proceedings closed to the public. Owing to the nature of the offences, the investigation was being carried out by both military and ordinary courts. An inspecting magistrate had been assigned to the investigation and the Under-Secretary of War had requested the State Defence Counselor to participate in the proceedings with a view to expediting them. For the above reasons, the Under-Secretary indicated that the entire proceedings were being carried out in accordance with the law, the rights of the accused were being upheld and no complaints of mistreatment had been lodged with the courts.

192. By letters dated 22 September 1997 and 29 October 1998, the Special Rapporteur transmitted to the Government information on alleged cases of torture in Chile. By letter dated 12 May 1998, the Government replied to the Special Rapporteur, giving the information outlined below.

193. Elvis Arturo Valdés Henríquez is reported to have been arrested and tortured on 17 February 1996 by plain-clothes police officers. They allegedly burst into his mother's apartment and beat her and Rodrigo Valdés Henríquez, a disabled person. After being transferred to the Renca barracks, he was allegedly beaten and had to be taken to the Colina treatment centre, where he was reportedly found to have numerous injuries (see E/CN.4/98/38/Add.1, para. 65). According to the Government, Mr. Valdés Henríquez was arrested together with two other persons by detectives of Renca Investigative Police Station No. 10 while trying to flee with other individuals who had allegedly attacked the detectives with knives, stones, sticks and other objects. A detective was injured as a result of the incident. Because of the struggles that occurred during the detention, Mr. Valdés Henríquez and another prisoner were found to have minor injuries when they were taken to the emergency service of San José hospital. Bladed weapons and other objects having been found on them, the three detainees were handed over to Santiago Criminal Court No. 19. In August 1996, this court ordered an investigation of allegations of torture during their detention by Department V, "Internal Affairs". The Department's report confirms the facts outlined above. It is said that on 20 January 1996, Mr. Valdés Henríquez had to have treatment at the Colina centre, where injuries different from the minor ones observed in the hospital on the day he was arrested were discovered. On 8 July 1996, a report by the forensic medical service corroborated that diagnosis. There were no indications that the new injuries might have been caused by incidents postdating his apprehension in a public place and the court dismissed the case and closed the file in July 1997. Mr. Valdés's mother has brought charges for irregularities in the search and arrest of members of her family by Department V, "Internal Affairs". This Department launched an investigation which, in April 1996, found that no member of the institution bore any responsibility, and this was endorsed by the institutional legal administration. The Government provided this information in its letter of 10 February 1999.

194. In the same letters, the cases described below were transmitted; the Government responded by letter dated 25 March 1998 (for all of these, see E/CN.4/1998/38/Add.1, para. 65).

195. Julio Esperguel Santander was allegedly beaten on 31 December 1995 by two carabineros from motorized units. The Government indicated that following preliminary investigation, proceedings were under way for the offence of excessive force. It provided this information in its letter of 10 February 1999.

196. Juan Pablo Contreras Mondaca was reportedly detained and tortured by carabineros of the Retén Pomaire squad, Santiago, on 14 April 1996. The Government indicated that he was detained for being in a state of inebriation and was released on 15 April 1996, having submitted no complaint and having paid the fine imposed by the Melipilla First Criminal Court before which he appeared on the day he was taken into custody. Subsequent inquiries revealed that on 16 April 1996, Mr. Contreras Mondaca went to the hospital, where minor injuries were diagnosed. The sequence of events on the dates mentioned above reveals that he was not subjected to violence at the initial examination, although proceedings were initiated for excessive force and were now at the pre-trial stage.

197. Agustín Fegueroa Sepúlveda and a friend were allegedly detained on 10 August 1996 by carabineros, who took them to Police Station No. 34 in Santiago, where they were reportedly subjected to torture. The Government indicated that both individuals were taken into custody when robbing a bus. Both were injured during their arrest because they offered resistance. They were transported in the same vehicle in the presence of the driver, who stated that the police officers used only necessary and reasonable force. They were placed in preventive detention and taken to emergency clinic No. 4 in Ñuñoa so they could receive medical care. They were found to have minor injuries and were transferred to Peñalolén police barracks 43 and later to the preventive detention centre at Puente Alto, where they were brought before a court on 11 August 1996. An internal investigation incorporating statements by the officers who took them into custody, the bus driver and the mother of one of the detainees showed that they were not subjected to torture or ill-treatment. On the administrative side it was determined that the second guard corps officer failed to note the cause of injuries in the guard book, although he did so in the police report, and for this he was reprimanded. In addition, the chief of the supplementary patrol failed to record the procedures used by the officers under his command and the time they went off duty: he was issued a warning. A charge of excessive force is currently in pre-trial investigations before the Sixth Military Prosecutor's Office of Santiago.

198. Andrés Meléndez Sánchez was reportedly detained and tortured by carabineros on 11 September 1996 in Santiago. The Government indicated that the complaint of ill-treatment lacked credibility in that it identified uniformed persons as being responsible, whereas the detention had been carried out by plain-clothes officers from Peñalolén Police Station No. 43. According to the Government, the person concerned lodged the complaint in the belief that he would thereby diminish his own responsibility, but it had been reliably shown that institutional staff had inflicted no injury whatsoever upon him. By letter dated 10 February 1999, the Government indicated that a charge of excessive force was in pre-trial investigations before the Fourth Military Prosecutor's Office.

199. Patricio Gana Valdés, arrested on 24 September 1996 by carabineros from Police Station No. 42 in Santiago, was allegedly tortured after being transferred to Police Station No. 41. According to the Government, the injuries he later suffered were caused when he fell while under guard in his cell. After

he fell, he was immediately given aid. The officer in charge of the vehicle made available for the detainee's transfer to the Capitán Yaber Preventive Detention Centre refused to transport him in view of the fact that he was injured. For this reason, an ambulance was called, and while the necessary papers were being signed, Mr. Gana Valdés again fell to the ground. He refused to get into the ambulance and was beaten inside the vehicle for offering resistance to the paramedical staff. He was taken to hospital, diagnosed as having "cerebroencephalic trauma with severe complications", and discharged on 26 November 1996. Following these events, the duty officer was reprimanded for not going to the guard room to determine for himself the cause of the detainee's injuries. The investigating officer of the Court of First Instance was given one day's service arrest as punishment for his delay in recording the charge of injuries, which slowed down the investigation. The same punishment was given to the first guard officer on duty on 24 September for not having sought medical assistance after the detainee's first fall. The corporal responsible for guarding the detainee was given fifteen days' service arrest as punishment. The charge of injuries brought by the spouse of Patricio Gana Valdés was dismissed and the case closed in April 1997, as the Government indicated in its letter of 10 February 1999.

200. Peter Carter Zamorano was allegedly detained and tortured by carabineros on 30 September 1996. The Government indicated that, as reported by the guard officer concerned, he was arrested for drunken driving, had oral and dental injuries and his car was damaged. Because of his injuries, and in order to measure his blood alcohol content, he was taken to the emergency ward at San José hospital, and the relevant results were reported. The above information shows that the injuries were sustained before his detention. Mr. Zamorano preferred charges and the case is now in pre-trial investigations before the judicial authorities, with no personnel implicated in the proceedings. The Government provided these facts in its letter of 10 February 1999.

201. Manuel Melipil Barrera, aged 16, was reportedly detained and tortured together with a friend on 11 October 1996 by carabineros in Santiago. According to the Government, inquiries have led to the attribution of responsibilities and the imposition of administrative penalties. The guard officer was given one day's service arrest for using force on a minor during arrest, failure to report the arrest and provision of false information in order to elude responsibility; the second patrol chief on duty was given four days' service arrest for high-speed pursuit of the vehicle in which Manuel Melipil Barrera was riding, jeopardizing the physical safety of third persons, firing three shots into the air without reporting the fact, replacing the munitions and giving false information; the driver of the van that pursued the vehicle was given three days' service arrest for high-speed driving and giving false information; and an accompanying carabinero was given three days' service arrest for giving false information. The proceedings initiated in connection with Manuel Melipil Barrera's charge of excessive force are in pre-trial investigations. In its letter dated 10 February 1999, the Government indicated that the case was not heard by the Military Prosecutor's Office owing to a procedural error that was not rectified in good time.

202. Rigoberto Antonio Mallias Díaz was reportedly subjected to torture in December 1996 because he failed to perform a military manoeuvre correctly during his compulsory military service. The Government indicated that in May 1997, proceedings had been initiated in the Court of the Air Force and were in pre-trial investigations. An application for the remedy of protection on behalf of

Mr. Mallias Díaz was made to the Santiago Court of Appeals, but was rejected. In May 1997, he was dismissed from military service.

203. Richard Busto Suárez was allegedly tortured by carabineros from Santiago Police Station No. 7 on 2 January 1997, when he went to give a statement about having been shot in the leg by carabineros the previous day. The Government indicated that during an operation, a number of persons attacked the carabineros, who used firearms for the purpose of intimidating them. Mr. Busto Suárez was one of those accused of inflicting minor injuries on an officer and damaging a police vehicle and had been wounded in the left thigh. Investigation of the facts revealed that the responsible officer had not reported all the necessary information on the events. For this he was given a warning. Other procedural errors were also detected, such as failure to note such circumstances as numerical inferiority, the nature of the sector's inhabitants and the low socio-economic level, which had combined with "the experience and impetuousness of an officer of second lieutenant rank" to create the conditions surrounding the events. Judicial proceedings had been brought before the Sixth Military Prosecutor's Office in Santiago and were in pre-trial investigations, with no committal order having been issued. The Government provided these facts in its letter of 10 February 1999.

204. Marcos Sánchez Andrade was reportedly tortured by officers of the Special Prison Anti-Riot Brigade on 17 January 1997. The Government indicated that Mr. Sánchez Andrade and an officer were both injured when he assaulted the officer, who was taking him to a new location. He had been given medical treatment initially by health personnel of the establishment and, on 19 January, by staff of the central treatment facility. An internal investigation showed no responsibility on the part of prison staff. The Government provided these facts in its letter of 10 February 1999.

205. Francisco Alberto Soto Pávez was allegedly assaulted on 30 April 1997 by members of the Pudahuel Norte police force and suffered severe injuries. The Government indicated that an investigation had been launched into the police actions. Based on the testimony of neighbours who were present at the time of the events and by decision of the relevant prefecture, the officers involved were deemed to have made false statements in order to elude responsibility. For this they were given administrative sanctions: 30 days' arrest for two of them and 25 days' arrest for three others. Charges of excessive force brought before the Sixth Military Prosecutor's Office in Santiago were in the pre-trial investigation stage with no committal order having been issued against institutional staff. In its letter of 10 February 1999, the Government indicated that the Santiago Military Court was considering the possible combination of that case with another being processed by the Second Military Prosecutor's Office of Santiago.

206. By letter dated 29 October 1998, the Special Rapporteur transmitted to the Government the cases of Oriana Guillermina Alcayaga Yepeda, Roxana Paz Cerda Herrera, Magdalena de la Ángeles Gallardo Bórquez, María Angélica Medina Soto, Eugenia Victoria Mellado Reyes, Flora Luisa Pavez Tobar, Pilar Alejandra Peña Rincón, Doris Magdalena Ojeda Cisternas, Margarita Elizabeth Reveco Pérez, Ana María Sepúlveda Sanhueza, Giovana Tabilo Jara and Rosa Ester Vargas Silva, inmates of the Women's Guidance Centre in San Joaquín. They were allegedly subjected to torture on 15 July 1997 by members of the Santiago Prison Anti-Riot Brigade (see E/CN.4/1999/61, para. 112). In its letter dated 10 February 1999, the Government indicated that it was the violent and aggressive reaction of the

inmates, who refused to comply with the Centre's locking-up hours, that had caused the minor injuries some of them had suffered in the struggle with prison staff. These facts were corroborated by the investigation ordered by the Prison Service. A woman police officer was reportedly also injured. The facts were brought before the Second Criminal Court of San Miguel on 16 July 1997.

Observations

207. The Special Rapporteur is grateful for the detailed and informative responses of the Government, including those by way of follow-up to his 1995 visit (see E/CN.4/1996/35/Add.2 and Add.1 to the present report). He welcomes the legal reforms that have taken place, especially the adoption of a specific offence of torture, the abrogation of the law permitting detention on suspicion and the strengthening of safeguards protecting the rights of persons deprived of liberty. He continues to believe that judges should not be authorized to order solitary confinement (incomunicación) for more than 48 hours and then only with safeguards to ensure the well-being of the detained person. He also continues to believe that it is essential to bring the carabineros under the civilian justice system in respect of acts committed against civilians.

China

Regular communications and replies received

208. By letter dated 15 November 1999, the Special Rapporteur advised the Government that he had received information on the following individual cases.

209. Jingsheng Liu was reportedly detained on 28 May 1992 and sentenced on 16 December 1994 to eight years in prison for leading a "counter-revolutionary group" and another eight years in prison for "counter-revolutionary propaganda". He is currently being held at the Banbuqiao Detention Centre. He has reportedly been held in solitary confinement since 1996 and is allegedly not in good health.

210. Yang Liming, Yang Wenli and Zhang Wenqing were reportedly arrested in December 1992 for burglary and murder in Wuwei city, Gansu province. Their confessions were allegedly obtained through 10 days of torture. Upon the confession of another individual to the alleged crimes, these three individuals were freed in February 1996.

211. Yu Dongyue, an art editor of Liuyang Daily, was reportedly arrested on 23 May 1989 for participating in pro-democracy demonstrations in Hunan. He was allegedly sentenced on 11 August 1989 by the Beijing Intermediate People's Court for "counter-revolutionary propaganda and incitement" and "counter-revolutionary sabotage". He was allegedly tortured in Hunan Prison No. 3 at Lingling. He was allegedly held in solitary confinement in a tiny windowless damp cell for at least two years. The Special Rapporteur had already intervened on his behalf in 1992. According to recent information received, Yu Dongyue is now held in Ruanjiang prison in Hunan, where he is allegedly showing signs of mental disturbance and of having lost control of some bodily functions.

212. Chen Jinchang, Wen Shaorong, aged 15, Wen Shaorong, aged 15, and Yao Zekun were reportedly arrested in April 1995 in Fuyuan county, Yunnan province and were charged for the robbery and murder of a driver. Chen Jinchang was reportedly forced to kneel and was tied up with a wet rope. He was allegedly

forced to answer only "yes" or "no" to the accusations against him and reportedly was beaten whenever he answered "no." He allegedly admitted to the crime in order to stop the beatings. He was reportedly originally sentenced to death, but in May 1996, though his conviction was upheld, his death sentence was suspended. Wen Shaorong reportedly suffered a broken collar bone and a torn ear as a result of the torture he allegedly received while in detention. He is still in prison serving his sentence. Yao Zekun was allegedly read a pre-prepared confession and whenever he answered that it was not correct he was reportedly beaten. During his five days of detention he was allegedly given only two pieces of bread and nothing to drink. During the investigation, the Intermediate People's Court judges reportedly admitted that they had suspected the confessions had been obtained by force, but when they received a written response from the police denying that torture had taken place, they are reported to have been satisfied. Nevertheless, 10 policemen were reportedly disciplined for their part in the affair, four sacked, and one transferred.

213. Fan Zhen, wife of Zhu Shengwen, former deputy mayor of Harbin, on behalf of whom the Special Rapporteur intervened in September 1998 (see E/CN.4/1999/61, para. 115), was reportedly detained a few days after her husband's arrest, in October 1996. She was reportedly arrested without an arrest warrant by the Special Investigation Team (SIT) and charged with "hiding [her] husband's crimes". She was reportedly interrogated on the fifth floor of SIT headquarters. She was allegedly locked into a cast-iron chair called the laohudeng, the "tiger chair", for two days and was slapped and spit upon by three men reportedly interrogating her and asking her to confess her husband's crimes. She was then transferred to No. 2 Detention Centre in Harbin where she was detained in an overcrowded cell allegedly infested with rats and lice. She allegedly received inadequate food and was not allowed to speak to other inmates. She was not allowed to meet with her lawyers until five days before her trial on 16 June 1998. She was reportedly sentenced on 19 October 1998 to one year and eight months' imprisonment at the Harbin Detention Centre.

214. Abdul Helil, a Uighur man, was reportedly detained in the Xinjiang Uighut Autonomous Region after leading a demonstration in Gulja in February 1997. He was allegedly coerced with torture to confess to accusations against him and to denounce his friends. In mid-1998 he was reportedly held at the 4th Division of the Xinjiang Production and Construction Corps, a military institution.

215. Zhou Guiyi, Xiao Beizhou and Yu Li were allegedly beaten to death while in police custody, Xinzhou county in Hubei province, between April 1997 and February 1998. The families of these individuals reportedly received compensation for their loss. However, no legal inquiry has been reportedly made into the allegations.

216. Dongjie Liu, a major in the China Air Force stationed in Changchun, was reportedly arrested on 11 August 1998. His wife was reportedly informed by police security officers that he had died on 13 August 1998. He was allegedly burned to death after being tortured by Chinese Air Force security officers and tortured with batons and electric shock. It is believed that he left a letter regarding the torture to which he was allegedly subjected. No death certificate was reportedly issued. In September 1998, Dongjie Liu's brother-in-law asked the Chief Prosecutor of Shenyang Air Force to open an inquiry, but the latter is reported to have refused. In December 1998, his brother-in-law was finally told that an investigation would be conducted. The findings of this investigation, which is said to have been conducted in February/March 1998, are the following:

the letter left by Liu exists, but has been lost by the security officers who handled the case and who are alleged to be the perpetrators; five other persons detained at the same time have provided written testimonies that they were severely tortured, but did not sue the Air Force. Therefore, the investigation is said to have concluded that the allegations of torture in the case of Dongjie Liu are unfounded. The case has reportedly been appealed to the Prosecutor's office of the Chinese Army. Dongjie Lie's family, in particular his wife, is allegedly constantly harassed by police officers.

217. Cheng Meiying, a prominent Christian activist leader, was allegedly detained on 27 October 1998 in Wugang, Hunan province when she attended a national meeting of house church leaders. She was allegedly beaten by police officers with a water-soaked whip made of hemp rope and struck on her head with a heavy club. The beatings reportedly caused serious head injuries and resulted in loss of consciousness for three days. She was reportedly released on 21 November 1998. Since her detention she has experienced memory loss. Allegedly, 70 other religious leaders were arrested on 27 October and on 5 November 1998.

218. The Special Rapporteur has also received reports regarding the alleged torture of Falung Gong practitioners who have reportedly been arrested since July 1999 and on behalf of whom he sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on 23 July 1999. It is alleged that most of the practitioners, including children and elderly persons, have been insulted and beaten by the police at the time of arrest and during their subsequent detention. Electric shock batons and a device called "Di Lao", in which alleged victims' wrists and feet are shackled and linked together with crossed steel chains making it nearly impossible to walk or sit down, are said to have been used. In particular, the Special Rapporteur has received information on the three following individual cases.

219. Zhao Jinhua was reportedly arrested on 27 September 1999 by the Zhangxing county police. She was allegedly beaten to death in police custody. On 7 October 1999, she allegedly lost consciousness and was sent to the county hospital emergency room. She was then reportedly returned to the police where she was allegedly interrogated about her Falung Gong practices and tortured again, allegedly with police electric clubs. She is believed to have died the same day. An autopsy report by forensic doctors of Yantai City dated 8 October reportedly confirmed the presence of injuries, wounds and haematomas on many parts of her body, except the head, and revealed that her death was caused by beatings with blunt instruments.

220. Practitioners from Hunan province were allegedly ill-treated at the time of their arrest. Yu Hanxin was reportedly arrested on 24 July 1999 by members of the Public Security Bureau of Yueyang city at his publishing enterprise, where books on Falung Gong were seized. It is reported that his feet were broken by the assistant director of the Yueyang Public Security Bureau at tne time of arrest. Li Juhua was reportedly arrested on 25 July 1999 by members of a local Joint Defence Team, who allegedly raped her. Zhou Zhi, from Dichen district, Chande city, had his home allegedly ransacked on 25 July 1999. He was allegedly severely beaten at that time. Yang Junhua was beaten and injured by No. 7 Joint Defence Team of Xiangtang city on 26 July 1999.

221. Xiao Hong Zhang was reportedly arrested on 9 September 1999 and chained back to back with another Falung Gong practitioner for 23 hours, during which

time they were allegedly denied food, sleep and to go to the toilet. From 10 to 14 September, they were reportedly individually handcuffed in the back in such a position that they were unable to lie down in order to sleep.

222. Concerning the situation in Tibet, the Special Rapporteur has received information on the following individual cases.

223. Ngawang Kyonmed, who was taking care of a shrine in the Drepung complex in Tibet, and Samdrul, both monks, were reportedly arrested in September 1998 on suspicion of having prepared a letter addressed to the United Nations High Commissioner for Human Rights, during her visit to Tibet in September 1998. The letter is believed to express concern about the detention of the Panchen Lama, Gendun Choekyi Nyima, as well as details of the May 1998 protests at Drapchi prison which were mentioned in a communication by the Special Rapporteur dated 3 September 1998 (see E/CN.4/1999/61, para. 116). Ngawang Kyonmed was allegedly beaten severely and detained at the Gutsa detention centre in Lhasa. He were reportedly transferred to a prison. An urgent appeal was sent on their behalf on 13 January 1999 by the Chairman-Rapporteur of the Working Group on Arbitrary Detention.

224. Norbu, a 17-year-old monk from Nalanda monastery, was reportedly arrested along with three fellow monks on 25 February 1995, following a police raid on the monastery. He is said to have resisted the police who wanted to search fellow monks' rooms. He was reportedly taken to Phenpo County Public Security Bureau detention centre. He was reportedly transferred on 28 February 1995 to Gutsa detention centre in Lhasa city, where he spent almost a year in incommunicado detention. He was allegedly brutally interrogated by the prison guards and accused of hiding documents on Tibet's independence. He was then denied medical treatment, despite the fact that his health was constantly deteriorating during his detention. In particular, he is said to have sustained damage to his kidneys. When he was returned home, in February 1996, he was still in a very serious condition. He allegedly could not turn his head or bend one of his legs and could not speak properly anymore. He is said to have died at home in March 1999 from injuries sustained at the time of his arrest and interrogation.

225. Tashi Tsering reportedly died in the first week of October 1999, while still hospitalized, allegedly due to the beatings he sustained at the time of his arrest. Security police officers of the People's Armed Police (PAP) reportedly beat him so badly that his hands and feet may have been broken and his arm fractured. His head was struck against the back of a vehicle and by the time he was dragged into the police van by security personnel he was unable to walk. It is thought that his head injuries contributed to his subsequent death in the Tibetan Autonomous Region police hospital, near Sera Monastery, where he had been immediately rushed. He is said to have been arrested soon after having lowered the Chinese flag in Potala Square and attempted to hoist the forbidden Tibetan national flag during the Minority Games, held in Lhasa, on 26 August 1999.

Urgent appeals and replies received

226. On 17 February 1999, the Special Rapporteur sent a joint urgent appeal in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on behalf of Hemit Memet, Kasim

Mahpir and Ilyas Zordun, three young Uighur men, who had been forcibly returned from Kazakstan to the Xinjiang Uighur Autonomous Region (XUAR) on 11 February 1999. They had been arrested while attempting to cross the border between the Republic of Kazakstan and the People's Republic of China. They were said to be suspected of involvement in "ethnic separatist activities", and in 1998 a warrant to arrest them was reportedly issued by the Ghulja Municipal Bureau.

227. On 14 June 1999, the Special Rapporteur sent a joint urgent appeal in conjunction with the Special Rapporteurs on the promotion and protection of the right of freedom of opinion and expression and on extrajudicial, summary or arbitrary executions on behalf of Zulikar Memet and Saydakhmet Memet, who had reportedly been detained in Urumqi, the capital of Xinjiang Uighur Autonomous Region (XUAR) in 1998 and February 1999, respectively. It was reported that they were accused of "assisting separatist terrorists" and arrested owing to the fact that they were brothers of Hemit Memet, who had been detained on 11 February 1999 along with Kasim Mahpir and Ilyas Zordun, all reportedly accused of involvement in "ethnic separatist activities" (see above). They had reportedly been moved from a prison in Urumqi to the public security police detention centre in the city of Gulja (Yining).

228. On 1 July 1999, the Special Rapporteur sent an urgent appeal on behalf of Ngawang Choephel, who reportedly went missing in August 1995 when he was travelling through Tibet, tape recording traditional Tibetan folk music. He had reportedly been sentenced to 18 years' imprisonment for committing espionage. On 19 May 1999, the Working Group on Arbitrary Detention declared his detention arbitrary. He was reportedly originally detained at the Nyari detention centre, in Shigatse, but has since been transferred to the Powo Tramo prison in Tramo county. His health has allegedly deteriorated since his imprisonment. In particular, since 16 August 1998 he has reportedly been vomiting blood and is suffering from tuberculosis and a gastric disease. A letter was reportedly written to the Higher People's Court in China requesting permission for him to have medical treatment, however no response was received.

229. The Government replied on 15 December 1999 that in September 1998 the Xigaze Intermediate People's Court found Ngawang Choephel guilty of spying and on charges of separatism and sentenced him to 18 years' imprisonment, including four years without political rights. The Government further replied that, on appeal, the Tibet Autonomous Region Higher People's Court upheld the guilty verdict, after a closed hearing. The Government advised that the hearing was closed because the case involved State secrets. The Government further advised that he is currently serving his sentence in Bomi prison in Tibet. In relation to medical care, the Government replied that all offenders are entitled to receive free medical care, including annual check-ups, as well as timely treatment if they become ill. The Government reported that in October 1998, Ngawang contracted bronchitis, a lung infection and hepatitis and was treated at the prison hospital for over two months. He received a check-up in January 1999 which found him to be showing signs of recovery and he is now recuperating with oral medication. The Government stated that as in the past, law enforcement authorities are providing every respect and protection of his rights.

230. On 23 July 1999, the Special Rapporteur sent a joint urgent action in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of a large number of Falun Gong practitioners who had reportedly been recently arrested. Falun Gong is said to be an organization committed to the improvement of its practioners' physical and mental well-being

through exercise and meditation. The authorities reportedly banned the Falun Gong practice in public or private on 22 July 1999, and have accused the group of "engaging in illegal activities, advocating superstition and spreading fallacies", as well as "jeopardizing social stability". Since 20 July 1999, organizers of the group were detained in several cities, including Beijing, Tianjing, Nanchang, Harbin, Changchun, Tai Yuan, Shengyang, Benxi, Xinbin, Hengyang, Qinyuan, Wafangdian, Cangzhou and Shijiazhuang. Many persons have allegedly been beaten at the time of and after their arrest. More specifically, it was reported that Lu Shu Zhen, the mother of the Falun Gong founder, Li Hongzhi, had received death threats on 22 July 1999 from four non-uniformed members of the Chinese State Security Bureau. Her sister, Li Ping, and her children, Li Mai Yi, Li Pao Yuan and Li Pao Man, were also threatened. They reportedly remain under house arrest with constant police surveillance. Since the early morning of 20 July, Li Chang, Ji Lie-wu, Qi Bao Lei (female) and other individuals have reportedly been detained in Beijing. In Dalian, the following men were reportedly arrested: Yu Xiao-de, Li Fang-jun, Yang Chuan-jun, as well as the following women: Guan Shu-Qing, Tang Qiao-yunin, Gao Chun-mei, Yang Li-ying, Tang Qiao-yun. In Shijiazhuang, Duan Rong-xin, Miao Ying-zhi, Wang Hong-bin, Xie Zheng-yuan, Xu Xin-mu, and Feng Xiao-mei (female) were reportedly arrested. Lu Wenjie and Wang Hongbin, two Falun Gong practitioners who were reportedly protesting the arrests at the Governmental Appeal Bureau in Dalian were allegedly beaten by four policemen who forcibly took them to the police station.

231. The Government replied on 7 October 1999 that the Falun Dafa Research Society has not been legally registered: it engages in illegal activities, preaches superstition and heresy, deludes the masses and manufactures disturbances. The Government reported that the Chinese Ministry of Civil Affairs had determined, in accordance with the Regulations on the registration of public organizations, that the Falun Gong organization was illegal and resolved to ban it. Furthermore, the Chinese public service organs had taken coercive measures against the organization and individuals suspected of using the Falun Dafa Research Society to cause criminal disturbances to public order, who would be brought to justice as the law required. The Government reported that no beatings or ill-treatment had occurred as a result of the coercive measures taken. It reported that allegations of beatings, ill-treatment, torture and house arrests were sheer fabrications unrelated to the facts.

232. In relation to Lu Shuzhen and Li Ping, the Government reported that on 22 July 1999, Beijing municipal security organs visited Li Hongzhi's mother, Lu Shuzhen, and Li Ping to obtain information about Li Hongzhi's circumstances abroad. The Government reported that the meeting was amicable, civilized and law-abiding, and that no restrictive measures of any kind were taken.

233. On 17 August 1999, the Special Rapporteur sent a joint urgent appeal in conjunction with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the promotion and protection of the right to freedom of opinion and expression on behalf of Zulikar Memet, who had reportedly been sentenced to death on 25 July 1999 by the Ili Prefecture Intermediate People's Court, in the Xinjian Uighur Autonomous Region. He was allegedly accused of involvement in "ethnic separatist activities". He reportedly told the court that his confession had been extracted under torture and showed the court the signs of the torture he had allegedly suffered, including finger nails which had been pulled off. His brother, Hemit Memet, as well as eight other unidentified

individuals, have also recently been sentenced to death. It is not known whether they have appealed these verdicts.

234. By the same urgent appeal, the Special Rapporteurs informed the Government that they had received information according to which Zulikar Memet and Seidakhmet Memet, who was reportedly recently sentenced to six years' imprisonment, are in very poor health due to torture and the detention conditions at Yengi Hayat jail in Gulja (Yining) city, Ili prefecture. Hemit Memet was also reportedly held in harsh conditions of incommunicado and solitary detention at the Ili prefectural prison.

235. On 25 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Tsering Dorje, a Tibetan translator who had reportedly been detained with two foreigners, Daja Meston and Gabriel Lafitte, who were investigating the impact of a World Bank project. It is alleged that the three men were detained by Chinese State security officials in Xiangride on 15 August 1999. Gabriel Lafitte was reportedly released on 21 August, while Daja Meston was reportedly seriously injured when he jumped from the third floor while trying to escape from detention. Tsering Dorje reportedly remains in detention, although his current whereabouts are unknown. The Government replied on 7 October 1999 that Tsering Dorje had been employed by Daja Meston and Gabriel Lafitte from 11 to 14 August 1999 to enter areas in Dulan county, Qinghai province which were not open to the public, to gather material for the conduct of illegal activities and to serve as an interpreter. He was questioned by the Qinghai province State security officers on 17 August 1999 and was assigned to home surveillance in accordance with the law on 18 August 1999. The Government further responded that he had made a confession and signed a statement of repentance, after which the Qinghai State security organs lifted the surveillance on 24 August 1999. The Government informed the Special Rapporteur that his rights were fully respected and protected and that no torture or ill-treatment took place. No information was provided on the other two persons referred to in the allegation.

236. On 5 November 1999, the Special Rapporteur sent a joint urgent appeal in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Geshe Sonam Phuntsok of Karze Dhargye Monastry, Agya Tsering and Sonam, three Tibetan monks, who had reportedly been arrested and detained on 24 October 1999 by officials from the Karze County Public Security Bureau on suspicion of involvement in political activities and contact with the exiled Tibetan Government. Their current whereabouts were unknown. In relation to this case, it was also reported that officials of the Public Security Bureau opened fire on 300 Tibetans during a peaceful demonstration demanding the release of the above-mentioned monks. At least 10 demonstrators were reportedly arrested, although their identities and the exact location of their detention were not known.

Follow-up to previously transmitted communications

237. By letter dated 24 February 1999 the Government responded to an urgent appeal sent by the Special Rapporteur on 10 December 1998, in conjunction with the Special Rapporteurs on freedom of opinion and expression, and on violence against women (see E/CN.4/1999/61, para. 126). The Government indicated that Ngawang Sangdrol was sentenced in November 1992 by the Lhasa Municipal Intermediate People's Court to three years' imprisonment, including one year with no political rights for committing actions that imperiled the security and unity of the State. The Government further replied that after she was admitted

to the Tibet Autonomous Region Prison she repeatedly engaged in separatist activities for which her sentence was increased by the court three times (June 1993, June 1996 and October 1998) to a total of 15 years' imprisonment and deprivation of political rights for three years. It indicated that she had refused to submit to discipline in prison, but that her rights were being fully respected, including the right to maintain health and to report any alleged ill treatment by prison staff to the Procurator's Office or court. The Government denied that she had been subjected to any beatings or ill-treatment by prison guards or that her physical condition was deteriorating. It replied that all prisoners received free medical treatment, including annual check-ups, and were given timely care in the event of illness. The Government also replied that all female inmates at the prison were supervised by female guards, and that the claim that Buddhist nuns are subjected to sexual violations was entirely untrue and malicious. In relation to alleged violent demonstrations inside Drapchi prison in May 1998, the Government replied that no such incidents had taken place. The Government stated that there had not been a demonstration by offenders since the Tibet Autonomous Region Prison was founded.

238. Concerning Ngawang Choesom, the Government reported that there was no person named Ngawang Choesom at the Tibet Autonomous Region Prison.

Observations

239. By letter of 15 February 1999, the Government formally invited the Special Rapporteur to undertake a visit to the country in the second half of 1999 or the first half of 2000. At the time of writing, the Special Rapporteur was still awaiting confirmation of specific dates that had been under discussion with the Permanent Mission of China.

Colombia

Urgent appeals and replies received

240. On 16 April 1999, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the indigenous population of Nasa, Paeces. According to his information, from 7 to 10 April 1999 there had been fighting on land and in the air, including bombings, between the Colombian army and the guerrillas of the Revolutionary Armed Forces of Colombia (FARC), which had endangered the civilian population of the indigenous community of Paeces, causing deaths, damage to property and displacement of indigenous families from the areas of La María, el Maco and la Mina in Jambaló and Villa Hermosa, San Juanito, Granadillo and El Carmen in Pioyá. The reservations in which the above-mentioned military operations were carried out were reported to be Caldono, Pioyá, Jambaló and la Aguada de San Francisco. Although the deceased could not be identified and their bodies could not be recovered, it was reported that around 600 peasants and indigenous persons had gathered in Pioyá and that 250 more families had been caught in the middle of the bombing and fighting, with no food whatsoever, owing to the controls imposed by the armed groups. Isidro Campo Ulcue and Rómulo Guetia Yatacue, two members of indigenous communities residing in the town of Jambaló on the Indian reservation of Jambaló, were allegedly arrested. They had both been in their homes when they were taken prisoner by the Third Brigade of the National Army during the confrontation that occurred in Vereda Solapa on 10 April 1999, at 9 a.m. They were reportedly accused of collaborating with the guerrilla forces.

241. On 30 April 1999, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the civilian population of the towns of Simití and San Pablo, Bolívar. Since 12 April 1999, the Colombian Army and Air Force and paramilitary groups had reportedly been carrying out military operations in those towns, pursuing guerrillas from the National Liberation Army (ELN) who were allegedly holding the passengers and civilian crew of an Avianca commercial aircraft. The situation was threatening the lives of civilians and causing the displacement of over a thousand persons.

242. Since 13 April 1999, the two towns mentioned above had allegedly been surrounded by paramilitary groups who prohibited the distribution of medication and food to the civilian population. Heavily armed and uniformed paramilitary groups reportedly patrolled the streets of the capital, San Pablo, acting in collaboration with security forces. From 18 to 19 April, Ismael Rincón Sierra, Alfiodys Durán Rodríguez, Ernesto Fernández Botero and three other residents of San Pablo were allegedly tortured and killed by paramilitaries. Other persons are believed to have disappeared. The residents of San Pablo have allegedly been forced to attend meetings of the paramilitaries where they are informed that anyone on a black list, i.e., suspected guerrilla sympathizers, will be killed. They have also reportedly been threated with having to leave San Pablo if they do not make monthly payments to the paramilitaries. According to the information received, paramilitary groups may also be implicated in the killings of Américo N. Armando Mier Urueta and another resident of San Pablo whose bodies were found in Simití.

243. By letter dated 24 August 1999, the Government replied to this urgent appeal. Concerning Ismael Rincón Sierra, Alfiodys Durán Rodríguez and Ernesto Fernández Botero, it indicated that the bodies had been removed from the los Caguises sector by the police inspector of San Pablo on 19 April 1999, and according to the autopsy that was performed, the cause of death was injuries from a short-range weapon, the date of the murder being established as 18 April 1999. The Government indicated that the Office of the Municipal Attorney of San Pablo was unaware of the motives and identity of those responsible. Regarding Mr. Mier Urueta, the Government indicated that it had no knowledge of his killing, as there was no report by the municipal police inspectorate on the matter.

Follow-up to previously transmitted communications

244. On 6 June 1990, the Special Rapporteur transmitted to the Government communications received on alleged cases of torture in Colombia. By letter dated 30 January 1998, the Government provided information on the following cases.

245. Emiro Bustamante was reportedly tortured by police officers on 11 February 1989 in San Benito de Abad, Sucre. The Government indicated that the investigation had been halted for lack of sufficient evidence. Orlando Chamorro Medrano was allegedly tortured by members of the Administrative Department of Security (DAS) and of Battalion No. 5 of Corazal, Sucre, on 16 February 1989. The Government pointed out that on 16 October 1997, the Legal Office of the Administrative Department of Security had transmitted a communication indicating that it had no complaints from the victims in its files and that since it was hearing of the case for the first time, it would initiate the necessary inquiries.

246. On 29 March 1994, the Special Rapporteur transmitted to the Government a communication concerning Luis Francisco Rodríguez, who was allegedly tortured on 4 August 1993 by members of National Army Mobile Brigade No. 1 in Puerto Rico, Meta (see E/CN.4/1995/34, para. 132). By letter dated 10 November 1998, the Government indicated that the alleged acts actually dated back to 11 August 1992. Proceedings had been instituted on 7 October 1992, the dates of the investigation having been registered at the Granada (Meta) police station. On 22 May 1994, the investigation was halted for lack of evidence.

247. On 10 May 1994, the Special Rapporteur transmitted an urgent appeal concerning Luis Antonio Tellez and Ayda Martínez, who were reportedly tortured on 1 May 1994 by members of the Judicial and Investigative Police Section (SIJIN) (see E/CN.4/1995/34, para. 134). By letter dated 30 January 1998, the Government indicated that disciplinary charges had been brought against three police officers, including a captain, but that they were later exonerated through cumulative evaluation of the evidence.

248. On 29 May 1995, the Special Rapporteur transmitted to the Government communications received on a number of alleged cases of torture and ill-treatment in Colombia. On 30 January, 9 June and 31 July 1998, the Government transmitted to the Special Rapporteur the replies summarized below.

249. Rosalba Segura was reportedly tortured and raped on 14 October 1993 by soldiers from the Reveiz Battalion in La Esmeralda, Arauquita, Arauca (see E/CN.4/1996/35/Add.1, para. 143). The Government indicated that investigation of the case was being conducted by Military Court of Criminal Investigation No. 124.

250. Orlando Rafael Pujía Giraldo was allegedly tortured by army personnel in January 1984 in Cartagena (see E/CN.4/1996/35/Add.1, para. 147). The Government indicated that on 16 February 1994, Court No. 28 was assigned by the Court of First Instance of Mechanized Infantry Battalion No. 6 in Cartagena to carry out preliminary investigations concerning a captain. The proceedings ended with a refusal order on 14 June 1994 when it was found that Mr. Pujía Giraldo had not been tortured by the captain who had been charged and because two physicians gave a diagnosis of drug dependency, a decisive factor in the lodging of the complaint.

251. Alexander Peñuela Sanabria was allegedly detained and tortured by members of the SIJIN on 18 September 1994 in Barranquilla (see E/CN.4/1996/35/Add.1, para. 153, and E/CN.4/1997/7/Add.1, para. 105). The Government indicated that while the Court of First Instance had ruled that the agents charged should be punished by withdrawal from service, the decision was overruled on appeal.

252. Jaime Valencia Cruz was detained and allegedly tortured by members of the National Army on 25 June 1993, in Buenos Aires, Cauca (see E/CN.4/1996/35/Add.1, para. 138). The Government indicated that, according to investigations carried out by the Calí Regional Procurator's Office, the reasons for his detention were unlawful possession of two 9-mm handguns; his affiliation with the National Liberation Army (ELN) was also cited. When he was brought before the court he did not complain of torture. On 18 February 1994 he was convicted of resisting arrest and sentenced to 40 months' imprisonment with a suspended sentence in exchange for his confession. The Government provided these facts by letter dated 10 November 1998.

253. Alba Libia Esquibel and José Albeiro Ortiz were reportedly subjected to torture by members of the Jaime Rock Military Battalion on 5 October 1993 (see E/CN.4/1996/35/Add.1, para. 142). The Government pointed out that on 28 October 1997 the General Command of Military Forces in Colombia sent an official communication indicating it had no information whatsoever about the case. The Government stated that, in response to the Special Rapporteur's communication, it would undertake an investigation of the facts and transmit to him its results.

254. Álvaro Martínez Ramírez was allegedly detained and tortured by officers of the SIJIN on 28 July 1995 in Bogotá (see E/CN.4/1996/35/Add.1, para. 152). The Government described the progress of inquiries with a view to establishing the facts and identifying those responsible, sufficient proof not yet having been found.

255. Alfonso Martín Boets was reportedly tortured during detention on 23 February 1993 in Bogotá by army personnel (see E/CN.4/1996/35/Add.1, para. 130). The Government indicated that on 23 June 1994, the investigation was closed after preliminary inquiries by the Human Rights Division of the Attorney-General's Office.

256. Gilberto and Germán Maldonado Escalante were allegedly detained and tortured in Cúcuta, Norte de Santander, on 27 April 1993, by members of Army B-2 (see E/CN.4/1996/35/Add.1, para. 134). The Government indicated that charges had been brought on 7 August 1997 against an army captain and four soldiers as part of disciplinary proceedings before the Attorney-General's Office. Some of the charges relating to one of the soldiers were dismissed on 28 January 1998. As a result, the charges have had to be reformulated, and the proceedings are in the stage of evidentiary hearings.

257. Nelson David Mora Angarita was reportedly tortured by members of the Revéis Battalion of the Armed Forces on 5 April 1994 (see E/CN.4/1996/35/Add.1, para. 150). The Government indicated that the disciplinary proceedings that had been undertaken were closed on 20 April 1995 for lack of evidence.

258. Miguel Enrique Fernández, Henry Vásquez Arteaga, Óscar Hernán Jiménez San Miguel and Gerardo Silva Martínez were allegedly detained and tortured in Barrancabermeja by members of the Nueva Granada Battalion of the Armed Forces on 21 July 1993 (see E/CN.4/1996/35/Add.1, para. 140). The Government indicated that a disciplinary penalty was imposed on 2 April 1997 with the 60-day suspension from duty of an army lieutenant and the acquittal of a captain who had previously been inculpated by the Attorney-General's Office. The decision has been appealed.

259. Jesús Antonio Jiménez, John Fredy Aguilar and Julio César Grisales were allegedly detained and tortured by police officers on 20 June 1993 in Medellín, Antioquia (see E/CN.4/1996/35/Add.1, para. 136). The Government indicated that no investigation was carried out on the incident because the metropolitan police of Valle de Aburrá, which served as the investigating authority, found insufficient evidence for it.

260. Cristóbal Ospina was reportedly detained and tortured by police officers on 16 July 1993 in Puerto Wilches, Santander (see E/CN.4/1996/35/Add.1, para. 139). In its letter dated 30 January 1998, the Government stated that the Office of the Procurator-General had handed the case over to Military Criminal

Court No. 24 with full copies to the Armed Forces Division with a view to expediting the relevant disciplinary investigation. In its letters dated 9 June and 31 July 1998, the Government indicated that on 13 April 1998 it requested information on the case from the investigating authority (which, according to the two letters, is the Office of the Police Inspectorate) but had received no response, although such response had been said to be forthcoming.

261. Olga Marina Restrepo Díaz was allegedly detained and tortured on 16 June 1994 in Bogotá by officers of the SIJIN (see E/CN.4/1996/35/Add.1, para. 151). On this subject the Government, which in its letter dated 30 January 1998 had announced that a disciplinary investigation was being undertaken by the Attorney-General's Office, indicated that the case had been closed on 14 January 1997 for lack of evidence.

262. Hugo Miguel Serrano Logreira was reportedly detained and tortured on 5 October 1994 in Barranquilla by officers of the Administrative Department of Security (DAS) (see E/CN.4/1996/35/Add.1, para. 154). The Government indicated that charges had been brought against 11 members of the Administrative Department of Security, Atlantic region, following an investigation carried out by the Attorney-General's Office. The tests requested by the accused prior to the ruling were being carried out in accordance with a decision of 12 August 1997.

263. José Edgar Acosta Quintero was reportedly tortured on 9 July 1994 in Ocaña, Norte de Santander, by military personnel from Army Mobile Brigade No. 2 (see E/CN.4/1996/35/Add.1, para. 155). The Government indicated that, after preliminary inquiries, the Provincial Procurator's Department had halted the investigation by a decision dated 12 August 1997.

264. In its letters dated 30 January, 9 June and 31 July 1998, the Government responded on the following cases transmitted by the Special Rapporteur on 29 March 1994 and 29 May 1995.

265. José Oliver Rincón Guillén, Luis Eduardo Rincón and Jesús Gabriel Pinzón were allegedly tortured by members of Army Mobile Brigade No. 2 on 11 May 1993 in San Calixto, Norte de Santander (see E/CN.4/1995/34/Add.1, para. 131). The Government indicated that criminal charges had been brought against a lieutenant and a second lieutenant of the army and were currently under investigation, which was in the stage of evidentiary hearings.

266. In the same letters, the Government provided the replies outlined below on the cases transmitted by the Special Rapporteur by letter dated 16 September 1996.

267. Paolo Rafe was allegedly tortured by members of the Anti-extorsion and Anti-Kidnapping Unit (UNASE) of the National Police on 8 August 1994 (see E/CN.4/1997/7/Add.1, para. 87). The Government indicated that no charge had ever been submitted to the Administrative Department of Security (DAS) in the case. Mr. Rafe was extradited on 25 August 1994 at the request of the Italian Government for falsification of public and private documents, following a medical examination which revealed no signs of torture.

268. Martín Oyola Palomo is said to have been tortured on 22 May 1996 in Bogotá by persons presumed to be connected with the Battalion of the Presidential Guard (see E/CN.4/1997/7/Add.1, para. 104). The Government

indicated that following preliminary investigations, Infantry Battalion No. 37 of the Presidential Guard had refrained from bringing charges on the grounds that "the disciplinary regulations for the armed forces had not been infringed, the investigation having failed to establish the occurrence of the alleged event or the responsibility" of agents of the State.

269. Argeidis Cáceres Arciénaga, aged 14, was reportedly tortured by members of Mobile Brigade No. 2 on 19 November 1994 (see E/CN.4/1997/7/Add.1, para. 91). The Government indicated that according to an official communication from the General Command of the Armed Forces dated 28 October 1997, no charges had been brought, but preliminary investigations would be undertaken. The Government provided the same response on the case of Edy Enrique Goes Luna, also a minor, who is said also to have been tortured by members of Army Mobile Brigade No. 2 on 12 February 1995 (see E/CN.4/1997/7/Add.1, para. 93).

270. Marco Albeiro Valencia Duque was allegedly detained and tortured by members of the National Police and Armed Forces on 21 September 1995 (see E/CN.4/1997/7/Add.1, para. 90). The Government indicated that during the police disciplinary investigation, insufficient proof had been found to clarify the facts and identify those responsible.

271. Hermes Elí Quintero and Huber Arévalo are said to have been tortured by members of Army Mobile Brigade No. 2 on 13 August 1994 (see E/CN.4/1997/7/Add.1, para. 88). The Government stated that preliminary inquiries had failed to identify the State officials allegedly tied to the event. The same response was sent to the Special Rapporteur concerning the following persons: Marcelo Florez, Luz Marina Ríos and Jairo Gallo.

272. Alberto Castillo López was allegedly tortured and murdered by military personnel attached to the Luciano D'Elhuyar and Los Guanes Battalions together with a number of paramilitaries on 26 November 1994 in Simacota, Santander (see E/CN.4/1997/7/Add.1, para. 92). The Government indicated that disciplinary proceedings against an army lieutenant were being carried out by the Office of the Attorney-General of the Nation. The Government gave the same response concerning another alleged victim mentioned in the proceedings, Aleixir Orozco Hernández.

273. Dora Inés Sánchez is reported to have been tortured by military personnel of Los Guanes Counter-guerrilla Battalion No. 5 in Sabana de Torres, Santander, on 7 January 1995 (see E/CN.4/1997/7/Add.1, para. 99). The Government indicated that an investigation was being carried out by the commander of the battalion.

274. Leonidas Basto Goyeneche was allegedly tortured by military personnel of Los Guanes Counter-guerrilla Battalion No. 5 on 4 February 1995 (see E/CN.4/1997/7/Add.1, para. 101). The Government provided information on progress in the disciplinary investigation being carried out by the Inspectorate General of the Armed Forces, which was still under way.

275. Jaime Gavarito Tirado, a minor, is said to have been tortured by members of a paramilitary group in Betulia, Santander (see E/CN.4/1997/7/Add.1, para. 79). The Government indicated that a criminal investigation was being carried out by the appropriate prosecutor's office.

276. Antonio Vicente González Cogollo, Jorge Gutiérrez and others were allegedly tortured by staff of the military base at la Plata, Bermeja. According

to information provided by the Government, these cases are being heard by Military Criminal Court No. 24.

277. In its letter dated 30 January 1998, the Colombian Government indicated that with respect to other cases of torture allegedly carried out by army staff, the Armed Forces Command sent an official communication to the relevant units urging them to expedite the appropriate investigations. The Government indicated its willingness to inform the Special Rapporteur of the results.

278. In its letter dated 27 August 1999, the Government provided a response concerning one of the cases transmitted by the Special Rapporteur in his letter of 29 October 1999 (E/CN.4/1999/61, para. 166). Concerning Gilberto Sánchez Gutiérrez, the Government indicated that the Office of the Attorney-General of the Nation advised it that no investigation whatsoever into torture by members of GAULA (Grupo de Acción Unificada por la Libertad Personal) was being carried out. It stated that proceedings were in progress in the case of Gilberto Sánchez Gutiérrez and that in the course of the investigation, Mr. Sánchez Gutiérrez had been taken into custody, together with Hober Quiroz Ovalle, John Jairo Santana and Gustavo Navarro Portillo, who were being questioned in connection with the accusations of torture.

279. By letter dated 30 August 1999, the Government responded concerning the cases transmitted by the Special Rapporteur in his letter dated 29 May 1995 (E/CN.4/1996/35/Add.1, paras. 131 and 137). Concerning Juan de Jesús Quiroga and Josefina Chamorro Ríos, the Government indicated that the International Affairs Department of the Office of the Attorney-General of the Nation had informed it that the Office of the Coordinating Prosecutor for Civil and Criminal Circuit Courts in Arauca-Arauca had advised it that the cases were being heard by the main prosecutor's office in Saravena because Arauquita had jurisdiction.

280. In its letter dated 27 September 1999, the Government replied on the cases transmitted by the Special Rapporteur in May 1995 and October 1998.

281. Concerning the cases of José Antonio Jiménez, John Fredy Aguilar and Julio César Grisales (E/CN.4/1996/35/Add.1, para. 136), the Government stated that the National Police had informed it that there were no grounds whatsoever for an investigation, since the detention had been carried out according to legal procedure and there was no evidence of torture. The Government further indicated that the Office of the Attorney-General was carrying out no proceedings, inquiries or investigations involving the above-mentioned individuals.

282. With regard to the case of Rubén Darío López Bustamante (E/CN.4/1996/35/Add.1, para. 133), the Government indicated that the Office of the Attorney-General of the Nation had advised it that Mr. López Bustamante had indeed been detained by National Army personnel but was later released because he had been illegally taken into custody. The Attorney-General further indicated that Mr. López Bustamante had not been able to make a statement freely, for which reason there was no record of torture, which was why no investigation was being carried out of his alleged ill-treatment.

283. Concerning the cases of Jairo Massiol Cedaño, José Henry Hinestroza, Elisabeth Ascanio Bayona, Eduardo Horminso Guillén González and Juan González Huber (E/CN.4/1999/61, paras. 160, 162, 153 and 157, respectively), the Government indicated that the Office of the Attorney-General of the Nation had

informed it that it was awaiting information from the prosecutor's offices of Cundinamarca, Chocó and Chaquetá, where the events in question took place, and would report thereon in due course.

284. With regard to the case of Alberto Usma and a youth called Miguel (E/CN.4/1999/61, para. 150), the Government indicated that the National Police had advised it that, having requested information from the Offices of the Attorney-General of the Nation, the Public Counsel-General and the Municipal Attorney, it had been informed that there was no record of charges or investigations in the case. The Office of the Coordinating Prosecutor for Specialized Criminal Circuit Courts in Medellín, the Specialized Government Prosecutor's Units in Urabá and the prosecutor's office in Apartadó had likewise indicated that no proceedings were under way.

285. In its letter dated 1 October 1999, the Government replied concerning one of the cases transmitted by the Special Rapporteur in his letter dated 29 October 1998. With regard to Ramón Alfredo Jiménez Duarte (see E/CN.4/1999/61, para. 159), it stated that the Office of the Attorney-General had informed it that after reviewing the action taken in the case, it had not found sufficient evidence, owing to the state of the corpse's decomposition when it was discovered, to show that Mr. Jiménez Duarte had sustained minor but successive injuries before his death.

286. By letters dated 7 October 1999, the Government replied on a number of cases transmitted by the Special Rapporteur in his letter dated 29 May 1995.

287. Concerning Álvaro Martínez Ramírez (E/CN.4/1996/35/Add.1, para. 152), the Government indicated that the Office of the Attorney-General of the Nation was informed by the Terrorism Sub-Division of the Office of the Prosecutor for the Specialized Criminal Circuit Courts of Santa Fé de Bogotá that Mr. Martínez Ramírez was under investigation for the crime of homicide with terrorist intent, and that the investigation had been handed over to the competent courts.

288. With regard to the cases of Alba Libia Esquivel and José Albeiro Ortíz (ibid., para. 142), the Government stated that the Office of Public Prosecutors in Santa Fé de Bogotá was investigating both persons for the crime of resisting arrest and that no information on torture of any kind had been provided. The investigation had subsequently been handed over to the regional courts of Santa Fé and proceedings for the suspended sentencing of the two trade union members were under way. The Commander of the Sixth Brigade had indicated that they had been apprehended in line with legal procedures and that there was no charge to justify an investigation.

289. By letters dated 7 October 1999, the Government provided responses on some of the cases transmitted by the Special Rapporteur in his letter dated 29 October 1998.

290. Concerning Héctor Hernán Méndez and Raúl Morales (E/CN.4/1999/61, para. 161), the Government indicated that no investigation of the crime of torture was being carried out by the prosecutor's office in Cundinamarca. The Office of the Prosecutor for Criminal Circuit Courts in Cáqueza-Cundinamarca had suspended the investigation because after a period of over 180 days, there was insufficient proof to implicate any given person.

291. Concerning Elisabeth Ascanio Bayona, Juan Abel Ascanio, Ana Dilia Pérez and Ana Elida Bayona (E/CN.4/1999/61, para. 153), the Government indicated that the Office of the Attorney-General of the Nation had advised it that the Office of the Prosecutor in San José de Cucutá was working on an investigation, although so far it had not been possible to establish the authority or identity of those involved in the offence.

292. By letter dated 13 October 1999, the Government provided a response on a case transmitted by the Special Rapporteur in his letter dated 29 October 1998. Concerning Julián Andrés Valencia (E/CN.4/1999/61, para. 152), it indicated that the Office of the Attorney-General of the Nation had informed it that the Office of the Prosecutor for Specialized Criminal Circuit Courts in Calí had found no offence of any kind against Mr. Valencia in the investigation carried out and by the same official legal communication had indicated that should additional information become available, a new inquiry could be undertaken.

293. By letter dated 21 October 1999, the Government responded concerning a case transmitted by the Special Rapporteur in his letter dated 29 October 1998. With regard to Juan González Huber and Eduardo Herminso Guillén González (E/CN.4/1999/61, para. 157), the Government indicated that the Office of the Attorney-General of the Nation had informed it that the National Human Rights Division had launched an investigation and had ordered two preliminary steps to be carried out, for an expert opinion and to gather statements from witnesses. The Government would furnish information on the results.

294. By letter dated 11 November 1999, the Government responded concerning one of the cases submitted by the Special Rapporteur in his letter dated 29 May 1995. With regard to Olga Marina Restrepo Díaz (see E/CN.4/1996/35/Add.1, para. 151), the Government indicated that, having checked through the "SIGA" administrative management system, the Office of the Attorney-General of the Nation had informed it that no investigation whatsoever was being carried out. The Government indicated that the Attorney-General was requesting additional information in order to pursue an investigation.

295. By letter dated 29 November 1999, the Government provided a response on a case transmitted by the Special Rapporteur in his letter dated 21 August 1992. Regarding Samuel Fernando Rojas Motoa (see E/CN.4/1993/26, para. 112), a member of the executive body of the Central Workers' Unit in the department of Valle del Cauca, the Government indicated that concerning the events of 4 June 1992, the Office of the Attorney-General of the Nation had advised it that Mr. Rojas Motoa was incarcerated in Medellín prison for the crime of resisting arrest. The Government further indicated that the competent prosecutor had repeated his request for the Office of the Prosecutor in Cartago-Valle to inform him whether a criminal investigation was being carried out there for the crime of torture involving Mr. Rojas Motoa, but that nothing had been found on the subject. The Government indicated that it would keep the investigation under review and provide information in due course.

Observations

296. The Special Rapporteur is grateful for the extensive, detailed and informative replies of the Government (see also Addendum 1 to the present report). He considers the decision of the Constitutional Court, removing crimes against humanity from the jurisdiction of the military justice system, and its implementation to be a major positive development. The acceptance by Law 288 of

1996 of the principle of providing a direct right of compensation pursuant to findings of the Human Rights Committee and the Inter-American Commission on Human Rights is also highly laudable. He hopes that the draft reform of the Military Penal Code as described will soon enter into force. Nevertheless, he is constrained to note that, in respect of the numerous cases on which the Government has responded, only one investigation resulted in a sanction, namely the disciplinary sanction of suspension of duty for 60 days. This represents a clear continuation of the persistent problem of impunity for violation of human rights within the mandate of the Special Rapporteur.

Democratic Republic of the Congo

Regular communications and replies received

297. By letter dated 4 October 1999 transmitted jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur informed the Government that he had received information on the following cases.

298. Freddy Loseke Lisumbu-La-Yayenga, editor of the newspaper La Libre Afrique, was reportedly arrested on 22 December 1998 in Place Victoire, in the Kalamu sector, by three members of the national police, and taken by the Presidential Protection Unit (GSSP) to the "GLM" building in Gombé, where he was allegedly given 150 lashes with a whip. He is said to have then been interrogated on an article that was published that day in his newspaper. He was then taken to the President's chief of staff, who reportedly urged him to "collaborate" before any article was published, and then ordered him released. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo mentioned the case in his complaints letter dated 30 December 1998.

299. Christophe Bintu and Bienvenu Kasole, two human rights defenders, are said to have been arrested on 12 January 1999 and released from the camp at Kokolo on 20 January 1999. They were allegedly beaten during their arrest. Mr. Bintu's arm reportedly bled for two days but he received no medical treatment. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo mentioned the case in his complaints letter dated 15 March 1999.

300. Jean-Baptiste Makoko, treasurer of the Lotus Group, a non-governmental organization concerned with human rights in Kisangani, was reportedly arrested on 10 December 1997 by three soldiers who beat him. He was allegedly accused of having photographed bodies of dead soldiers at Kisangani hospital and of working in the field of human rights. He was reportedly released without charge on 16 December.

301. Albert Gilbert Bosangi Yema, editor-in-chief of the newspapers L'Arme and L'Essor Africain, is said to have been arrested on 7 February 1998, allegedly because of a L'Arme article criticizing the arrest of Joseph Olengha N'Koy, president of a political movement called the Forces novatrices pour l'union et la solidarité (FONUS). He was allegedly accused of jeopardizing State security and is said to have been taken to the Penitentiary and Reform Centre of Kinshasa, formerly Makala central prison. He is a diabetic and suffers from rheumatism, and his health has reportedly deteriorated during his incarceration. He was allegedly hit with truncheons after his arrest and is said to have been

sentenced by the State Security Court to one year's imprisonment on 1 June 1998. In December 1998, he was reportedly transferred to Kinshasa General Hospital for medical treatment.

302. Désiré Rugemanizi, chief of Kabare, was reportedly arrested in January 1998 together with several well-known individuals from Kivu du Sud for having criticized human rights violations in the region. He was allegedly tortured by members of the National Intelligence Agency (ANR) in Bukavu before being released in February 1998.

303. Floribert Chebeya Bahizire, president of the non-governmental organization La Voix des sans-voix, was reportedly beaten in his home by armed men in uniform in March 1998.

304. Oswald Hakorimana, a human rights defender in the Kivu du Nord region, was allegedly beaten violently in March 1998 by soldiers who reportedly accused him of collecting information on civilian massacres.

305. By letter dated 4 October 1999, the Special Rapporteur informed the Government that he had received information on the following two cases.

306. Albert Nsinga reportedly died on 22 December 1997 in a hospital in Kikwit after having been tortured. He was allegedly arrested on 11 December and beaten violently during his detention.

307. Fifi Ngombo is also reported to have died, on 29 November 1997, after having been beaten and raped by soldiers while incarcerated in Kingoma prison in Kikwit. She was allegedly accused of having had an abortion and arrested in November 1997.

Urgent appeals and replied received

308. On 12 January 1999, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Chairman/Rapporteur of the Working Group on Arbitrary Detention concerning Louis Botombili Kalome, vice-president of the human rights defence organization Les Amis de Nelson Mandela (ANM), who was reportedly arrested on 7 January 1999 and taken to Gendarmerie headquarters in Kinshasa, known as the "Circonscription militaire" or "Circo". He was allegedly arrested in connection with his efforts to promote human rights.

309. On 20 September 1999, the Special Rapporteur sent an urgent appeal jointly with the Chairman/Rapporteur of the Working Group on Arbitrary Detention concerning Merikas Wetemwami Katembo, a member of the Collectif des jeunes du Sud-Kivu, who reportedly "disappeared" on 8 September 1999. He was allegedly seen in the confinement cell of the Presidential Protection Unit in the area of Gombé, Kinshasa.

310. On 6 October 1999, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo concerning Urbain Nkwasandi, Rodolphe Matuka, Fidèle Mizele, Mafutu Kizola, Rufin Konda, Henri Mindele, Patrice Kulenguluka and several other persons whose names are not known to the Special Rapporteurs, all members of the Parti Lumumbiste unifié (PALU) who were reportedly arrested on 26 September 1999 by the national police at the end of a political meeting held

in the Ngiri Ngiri quarter of Kinshasa on the situation of 76 PALU members being held incommunicado at the Penitentiary and Reform Centre (CPRK) in Kinshasa. The individuals arrested on 26 September have allegedly been accused of violating the prohibition of political parties and are reportedly now being held in the confinement cells (formerly known as "Circo") of the provincial police inspectorate in Kinshasa.

311. On 7 October 1999, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression concerning Kangundji Doudou, a lawyer, who was reportedly arrested in Lubumbashi (Katanga) on 15 September 1999 by members of the security forces and taken the next day to the confinement cells of the National Intelligence Agency (ANR), External Department, in Kinshasa, where he is allegedly being held in incommunicado detention. He was reportedly arrested because of his relations with one of his clients, Eugène Kabongo Ngoy, who is allegedly also being held in incommunicado detention in the ANR confinement cells because of his supposed links with the rebels. The Special Rapporteurs also intervened on behalf of Léopoldine, reportedly arrested under the same circumstances and for the same reasons and allegedly being held in the ANR.

312. On 7 October 1999, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression concerning Feu d'Or Bonsange, music editor, and Kala Bongamba, printer, both employees of the newspaper L'Alarme, who are said to have been arrested on the morning of 27 September 1999 in Kinshasa by soldiers of the 50th Division. They were reportedly detained in the private residence of a high-ranking military officer before being transferred during the night of 2 October to the building known as "GLM", which is said to be an unofficial detention facility. The Special Rapporteurs also intervened concerning Clovis Kadda, director of the same publication, who was reportedly arrested on 22 September 1999 and interrogated in the military sector of Kinshasa concerning a member of his family who is thought to be one of the rebels. He was reportedly accused of fraternizing with the enemy and was tortured. He is said to have been released the next day and to be hiding for fear of a second arrest.

313. On 8 November 1990, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo concerning Masengo wa Kambamba, who was reportedly arrested on 23 October 1999 at the Mbuji-Mayi airport for owning a copy of a report on the human rights situation in the Kasai region published by a local human rights defence organization. She is reportedly now being detained by the National Intelligence Agency (ANR) in the same cell as Charles Mfwamba (see above).

314. On 10 November 1999, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo concerning Sister Antoinette Farhi Mzigire, a nun working in Likasi, Katanga province, who runs the dispensary at Buluwo prison. She was reportedly arrested in Lubumbashi by ANR agents, interrogated at ANR headquarters in Katanga about humanitarian activities within the prison, and then incarcerated.

Observations

315. The Special Rapporteur notes he has still not received any responses to communications he sent in 1998. The Special Rapporteur is gratified to learn of the intention of the Government to abolish the death penalty, a development consistent with the greater protection of all persons against cruel, inhuman and degrading punishment.

Republic of the Congo

Regular communications and replies received

316. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information on the practice of torture. The Government responded to some of the allegations by letter dated 11 November 1999.

317. The Special Rapporteur informed the Government that he had received information indicating that torture was still commonly practiced in police stations. Persons under arrest were consistently beaten. Such acts were reportedly aimed at extracting confessions which, according to the information received, are then entered in the files and accepted by the courts. The so-called Kilimandjaro method is said to be used regularly in the Brazzaville police station. It involves handcuffing someone's hands behind the back, attaching a cable to the ceiling and hanging the person by the arms while he or she is lashed with a chicote on the back and wooden bludgeons on the calves. The room where this type of torture is practiced is reportedly known by the same name. Many victims have complained of not receiving medical treatment while under arrest. A police commander has reportedly defended the use of torture on the grounds that the police lack sophisticated means of conducting their investigations.

318. Prison detention conditions are said to be extremely poor and detrimental to the health of prisoners. In addition to overcrowding and the resulting lack of ventilation, the cells are reportedly very damp, and this triggers skin diseases. The few toilet facilities that exist are allegedly in poor repair. No food is distributed to prisoners. Some, whose families have not been informed of their detention or reside at a distance, are said to remain for days without food. Little medication is available. A number of prisoners have reportedly died for lack of food or medical treatment. Not having the appropriate infrastructure, most prisons cannot separate or create several sections for prisoners. All prisoners, adults and minors, convicted and awaiting sentence, are reportedly held in detention together. The preventive detention cells in police stations are also allegedly overcrowded and unhealthy.

319. With regard to detention conditions, the Government rejected the allegations outlined above and gave the example of a central detention facility in Brazzaville which has been renovated and now provides beds, modern toilet facilities, medical treatment and social counselling. In 1998, the Government signed an agreement with Penal Reform International on the institution of community service as an alternative to incarceration. In addition, the Government pointed out that delinquent minors were detained in special education centres.

320. Lastly, the Special Rapporteur has received information indicating that rape is widely practiced by the military. Ms. Moulembo, a widow, and her daughter and a friend were allegedly all raped in her home in Tié-Tié on 16 October 1997 by armed men in army uniform; Kala Kala, aged 17, was reportedly raped on 17 October near the Brazzaville airport; Brigitte Mabiala is said to have been raped by Angolan soldiers at Dolisie on 20 October 1997; Louise Mandongo, who was two weeks pregnant, was allegedly raped in her home in the Petit Zanaga quarter of Dolisie and has been partially paralysed; Laeticia Bayouloula, a girl aged 16, was reportedly raped by members of the armed forces in Makana on 4 October 1998.

321. The Special Rapporteur has also received information on the following persons.

322. Christian Mounzeo, Secretary-General of the Congolese Observatory for Human Rights, was reportedly arrested on 15 November 1998 at Pointe-Noire airport following an altercation with a police officer. He is said to have been released the next day after being beaten. No explanation was given for his arrest. Other members of the Observatory have reportedly been threatened, particularly after the publication of a report on the situation in the Pool region.

323. In the wake of violence perpetrated by armed gangs in the Pool region, security agents allegedly interrogated and mistreated many inhabitants. Specifically, on 4 October 1998, they reportedly stabbed people who were travelling from Mabaya to Brazzaville. The travellers were allegedly taken from their cars and searched. Dikamona Ngoma reportedly sustained serious stomach injuries. Igor Mayetala, Jean Kimounga and Pacôme Tchakaka reportedly also suffered stabbing wounds. Laeticia Bayouloula, aged 16, is said to have been abducted and raped.

324. Lucien Kende was allegedly arrested on 4 March 1998 at Tchimbamba in Pointe Noire by soldiers who were searching for weapons. After looting his house, they reportedly beat him and took him to the gendarmerie camp, where he was detained overnight. The grounds for his arrest are not known.

325. Lieutenant Colonel Paul-Marie Mpoulé was reportedly arrested at his home on 13 March 1998 and taken to the current headquarters of the Police Intervention Unit, where he was allegedly mistreated. He was then reportedly transferred to the gendarmerie camp and released only in early April 1998. The grounds for his arrest are not known.

326. Guy Boulout Onanga, a former police captain, was reportedly arrested together with several of his men in February 1998. The reason for his arrest was allegedly the fact that he complained about the attitude of a security chief, who refused to allow him and his men, members of the Cobras, to join the regular government forces. They were allegedly beaten violently at the time of their arrest. Mr. Boulout Onanga's arms were reportedly bound behind his back and a gun barrel placed in his ear. They were allegedly all detained in the central police station in Brazzaville until April 1998, although none of them was indicted. One of the police officers, Jean-Pierre Itoua Awun, reportedly died later as a result of his injuries.

327. Camille Kissakoula is said to have died in a police cell at Kinkala in Pool on 8 August 1998 because of the beating he received. He reportedly suffered a cerebral haemorrhage and deep back wounds.

328. Jean-Paul Tsoumou, a customs inspector, is said to have died on 24 November 1998 after being beaten so violently that his pancreas was affected. He was allegedly arrested for corruption in October 1998 in Pointe-Noire by members of the security forces.

329. Ngoma Dikamona and Igor Mayetely were reportedly beaten violently by members of the security forces who were pursuing Ninja fighters in Kingouari, on the outskirts of Brazzaville, in October 1998. Other civilians, including Jean Kimounga and Pacôme Tchakaka, were allegedly injured.

330. By letter dated 11 November 1999, the Government indicated that not only was the Head of State committed to the battle against torture, but also, that any act of torture or inhuman or degrading treatment was prohibited under article 8 of the Constitution of 24 October 1997. It emphasized that no one had yet appealed to the Congolese courts regarding the events outlined above, even though the country had legislation offering numerous guarantees of human rights. Specifically, the Government stressed the fact that under articles 28 and 29 of the Constitution, the competent courts were entitled to rule on any violations of fundamental rights and to take steps to repair the damage caused by such violations.

331. The Government also pointed out that a number of violations had in fact been committed by members of the militias that had run rampant during the period of tension and instability of the war in 1997 and in the armed attacks by militias in December 1998 and early 1999.

332. Lastly, the Government informed the Special Rapporteur that the Republic of the Congo has recently begun the procedure for acceding to the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Cuba

Regular communications and replies received

333. By letter dated 12 October 1999, the Special Rapporteur informed the Government that he had received information on prison conditions that pointed to serious deficiencies in the treatment of prisoners which were especially grave in area of medical care, in terms both of lack of resources and of obstruction by the authorities of the work of physicians. Information was given about the resurgence in military camps of elements of the so-called military units for the promotion of production. Specifically, complaints have been received about precarious conditions in four units of the Youth Labour Army in Havana province; in the prison of Las Grimas and the labour camp of Minint in Placetas, Villa Clara province; in Matanera prison in Agüica, Colón; in the provincial prison at Holgín; and in Boniato penitentiary in Santiago de Cuba.

334. Complaints have been receiving regarding the new structure of the provincial prison at Guantanamo. Soldiers (whose names are known to the Special Rapporteur) were identified as being responsible for the ill-treatment, by means of punishment cells, insufficient and badly prepared food, lack of medication

and medical treatment, negative religious counselling, threats, provocation and beatings, of persons claiming the status of political prisoners.

335. With regard to political prisoners or prisoners of conscience, many expressions of concern have been received about the measures allegedly used against human rights defenders and journalists. According to the information provided, they are the object of special harassment by the authorities by means of arbitrary detention, threats, beatings and the imposition of severe penalties, especially on charges of "mutiny against the State" and "disrespect for the person of the Cuban President, Fidel Castro".

336. By the same letter, the Special Rapporteur transmitted the following cases to the Government.

337. Milagros Cruz Cano, a blind crusader for human rights, has allegedly been detained since 4 December 1998 under sub-human conditions in the psychiatric hospital of Havana. She was reportedly taken to the above-mentioned hospital after being brutally beaten by police officers at the La Maria Luisa station in retaliation for her shouting of pro-liberty slogans during a peaceful demonstration on 27 November that turned violent when security forces fell upon participants. After numerous attempts her mother succeeded in speaking with her and found evidence that her daughter had been subjected to ill-treatment. She also spoke with two physicians, one of whom reportedly said, "She is not in ill health but I can't let her go because this is a case referred by a police station, where the young lady is accused of creating a public scandal".

338. Lázaro Constantín Durán, domiciled at Virtudes y Neptuno, Havana Vieja, is said to have been beaten on 10 December 1998 by five unidentified individuals during the commemoration in Buttari Park of the signature of the Universal Declaration of Human Rights. On the morning of the same day, his mother's house was allegedly surrounded by members of State security forces, a situation that prevailed until 11.45 p.m., after Mr. Lázaro Guzmán had already been beaten. Also on 10 December, all persons trying to reach the house of Mr. Lázaro Durán's mother were intercepted. A savage beating was inflicted by State security agents on the activist Ernesto Gala García in the vicinity of Buttari Park, where he was going to participate in the same commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights.

339. Pablo Fidel Cabrera Bishop was allegedly detained on 29 November 1998 and beaten by a police officer. He was reportedly kept in the cells of the National Revolutionary Police of Calabazar, Boyeros, in terribly overcrowded conditions. On 4 December 1998 he is said to have been sentenced by the court at Santiago de las Vegas to two years' assignment to residence for the offence of vagrancy.

340. Juan Carlos Herrera Acosta was reportedly beaten by prison staff on 10 October 1998, Cuban independence day, when he shouted "Down with Castro" and "Down with the Castro dictatorship". He is reportedly being kept in the provincial prison of Guantánamo in solitary confinement and under harsh living conditions. Because of the beating he received he allegedly has an operable thoracic wound. Consideration was being given to transferring him to a high-security prison at Kilometre 8 in Camagüey province, although he resides in the Guantánamo region.

341. Virgen Milagros Grillot was reportedly subjected to ill-treatment on 27 August 1998 by two unidentified individuals in civilian dress. They

threatened her with abduction and she was taken from her workplace, located at the intersection of Carretera Central and Avenida de Céspedes, to the police station on Calle 10, Rpto. Zaldive, where the individuals identified themselves as police officers with the surnames Elmes and Oyles. Ms. Grillot is said to have been beaten by these officers even though she had a three-month-old girl in her arms. The reasons for the ill-treatment may be related to the revulsion she expressed when the same police officers mistreated a minor at the intersection of Carretera Central and Calle 8.

342. Salvador Tamargo Jerez was allegedly subjected to a brutal beating by First Lieutenant Alcides Fajardo de las Mangas on 11 June 1998 at the prison known as Centro Típico Las Mangas in Bayamo, Granma province. The lieutenant is said to have assaulted Mr. Tamargo Jerez with a stick measuring one metre long and three inches wide, causing a head wound that required six stitches. While the prisoner lay unconscious, he was reportedly kicked and his hand fractured with the stick described above. The events reportedly caused a number of anti-government placards to go up in the prison at dawn on 13 June 1998.

343. In the same letter, the Special Rapporteur recalled a number of allegations submitted in 1995, 1996 and 1997 regarding which no reply had been received. The Government responded concerning some of these cases in its letter dated 27 October 1999 (see below).

344. By letter dated 27 October 1999, the Government responded concerning some of the cases transmitted by the Special Rapporteur in 1999.

345. Concerning the serious deficiencies in the treatment of prisoners, the Government indicated that access to medical treatment is a constitutional right accorded to every Cuban.

346. Concerning units of the Youth Labour Army, it indicated that they constitute an honourable form of social service and that conditions are similar to those in other army units.

347. The Government pointed out that Guantanámo prison and others throughout the country were inspected by the competent authorities and the Procurator-General's Office, something which made any type of ill-treatment impossible.

348. It indicated that the allegation of harassment of human rights defenders and journalists was without substance, because true human rights defenders had all the scope they needed for their activities through their participation in the Cuban Parliament.

349. The Government further indicated that all guarantees of due process were provided. As for individual cases, it announced that it would carry out the necessary investigations.

Follow-up to previously transmitted communications

350. By letter dated 27 October 1999, the Government replied that the allegations of torture transmitted by the Special Rapporteur in 1995, 1996 and 1997 were not substantiated in his report and that the rigorous investigations carried out demonstrated that they were false.

Observations

351. The Special Rapporteur regrets that the Government has not provided the Special Rapporteur, and through him, the Commission, with the details of the organs, nature, methodology and case details of the investigations undertaken into the numerous cases transmitted to the Government over several years.

Djibouti

Regular communications and replies received

352. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information on conditions of detention at Gabode prison in Djibouti that allegedly jeopardized the health and even the lives of prisoners there. They reportedly received little food and water and were held in overcrowded cells measuring two square metres. Many prisoners were said to be ill but a physician visited the prison only twice a month. Most prisoners, particularly those mentioned below, had been denied transfer to hospital for proper medical treatment. Abdi Houfanen Liban allegedly died on 12 March 1999 for lack of appropriate medical treatment. Mohamed Daoud Chehem was reportedly losing his sight. Kamil Mohamed Ahmed allegedly suffered from partial paralysis of the face. Haissama Idriss Hamid, Aboubaker Mohamed Ayoub and Houssein Ali Mohamed Ayoub reportedly sustained gunshot wounds. Ali Ahaw Houmed also allegedly suffered gunshot wounds and had contracted tuberculosis. Farah Ali Rirache had pneumonia and Robleh Farah Arreh, malaria. Aden Hassan Houmed is said to have suffered gunshot wounds and paralysis of the right arm. Daoud Ahmed Ali reportedly suffered gunshot wounds and partial paralysis. A number of the prisoners allegedly went on a hunger strike in June 1998 to protest their detention conditions.

Ecuador

Regular communications and replies received

353. By letter dated 12 October 1999, the Special Rapporteur transmitted to the Government information on Victor Javier Icaza Olmedo. He was allegedly detained without judicial order in the city of Guayaquil on 2 February 1999 on the authority of a naval officer and by members of the Naval and Police Forces. During his transfer in a navy vehicle to the San Eduardo naval base, he was allegedly kicked and punched repeatedly. Upon arrival at the naval base he was reportedly hit in the chest and testicles. Family members and representatives of non-governmental organizations were prevented from visiting him on the day he was detained at the base. They reportedly found him at the preventive detention centre in Guayaquil on 3 February. He had allegedly not received medical treatment. On 4 February, the Sixth Criminal Court reportedly ordered the judicial police chief and an official from the preventive detention centre to release him. The order was not carried out until 7 February 1999. Following his release, Mr. Icaza Olmedo reportedly had to undergo surgery.

Urgent appeals and replies received

354. On 10 March 1999, the Special Rapporteur sent an urgent appeal jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning Washington Fernando Aguirre Freile, Christian Steve Ponce and Sergel Merino, who were allegedly detained on 18 and 19 February 1999 in connection

with the assassination of opposition parliamentarians Jaime Hurtado González and Pablo Vicente Tapia Faingnago as well as Borja Nazareno. Mr. Aguirre Freile, who is currently undergoing treatment at the police hospital, is expected to be returned to military custody.

Follow-up to previously transmitted communications

355. By letter dated 14 April 1999, the Government responded on some of the cases transmitted by the Special Rapporteur in his letter of 5 November 1998 (E/CN.4/1999/61, paras. 182-189).

356. Concerning Víctor Gonza Peña, Julio Calle Moscol and Anita del Rosario Sierra Rojas, the Government indicated that, after investigation by a special commission consisting of the Ministers of the Interior, Foreign Relations and Defence and the Attorney-General's Office, it was determined that information was available only on prior complaints to the Government and that there was no additional documentation substantiating or supplementing such information.

357. The governmental commission found no information on the other five cases (E/CN.4/1999/61, paras. 184-188).

Egypt

Regular communications and replies received

358. By letter dated 17 November 1999, the Special Rapporteur advised the Government that he continued to receive information according to which security forces torture and mistreat suspects. The methods of torture and ill-treatment reportedly include the following: detainees being stripped naked; hung by their wrists with their feet touching the ground or forced to stand for prolonged periods; doused with cold or hot water; beaten; forced to stand outdoors in cold weather; and subjected to electric shock treatment. Torture is reportedly used to extract information, coerce the victims to end their anti-government activities and deter others from such activities.

359. Prison conditions are reported to be life threatening as a result of severe overcrowding and poor sanitary conditions. Medical services are also reported to be insufficient. These conditions reportedly lead to the spread of disease and epidemics. The use of torture and ill-treatment was also reported to be common in prisons. According to the information received, at least 11 persons died in prisons in the country during 1999 as the result of medical negligence on the part of prison authorities. The names of these persons are: Hassouna Gaber Abdel Latef, Magdi Mohammed Abdul Maqsould Afifi, Sa'eed Mohammed Mohammed Fathi Abdul Aziz Abdul Wahid Abdalla, Abu Bakr Sa'ad Mahmoud, Hamid Fathi Abdul Aziz, Ali Abdel Nasser, Fathi Ali Orman, Fathi Abdel-Aziz Ibrahim, Sa'eed Eid Mohammed Eid Adam and Mahmoud Nour Eddine.

360. The Special Rapporteur has received several reports of the detention of hundreds of citizens in the largely Coptic Christian village of al-Kush in Sohag governorate, including relatives of suspects, women and children, during the investigation of a double murder of two Copts on 14 August 1998. The local Christians reportedly identified the killers as two Muslims from a nearby village, but the police are alleged to have detained over 1,000 Christians during the investigation. Individuals were allegedly given electric shocks, whipped and hung upside down. Several were reportedly hung from the ceiling for

entire evenings. The Special Rapporteur has received a list of hundreds who were allegedly tortured during the two-week period, including the following individual cases: Romani Boctor, aged 11, was allegedly tied to a ceiling fan and then the fan was switched on; Aresl Shaiboob was allegedly detained on 17 September 1998 and subjected to torture, including being hung upside down by his feet and beaten and tied to a chair and given electric shocks to sensitive parts of his body; Abdu Mikhael Miliki was allegedly held in detention without being charged and subjected to torture in order to force him to implicate Aresl Shaiboob. The police are also reported to have threatened to rape his mother. His mother, Resmiya Guirgis, and his two sisters, Nasra and Marzouka, aged 16, were also tortured with electric shocks and were threatened with having their clothes removed. Samira Ghattas Sergious was allegedly arrested on 15 August 1998 and beaten with a bamboo rod; her husband was reportedly arrested at the same time and was allegedly subjected to electric shocks to his ears and fingers; their child (born in June 1997), Gamal Moris Shukr-allah Murqus, is said to have received a bamboo rod blow on his back, which reportedly left a visible mark.

361. The Special Rapporteur has also received reports alleging that the following seven individuals died in police custody as a result of torture: Mahmoud Fares reportedly died on 30 April 1998 as a result of torture while detained in a prison in Port Said. Gamal Mohammed Abdallah Mustafa reportedly died on 26 September 1998 as a result of torture during an investigation by police in the Cairo suburb of Ma'adi. Sa'eed Sayid Abdel Aal-Salim reportedly died on 17 April 1999 in El-Omraneya police station, Giza. Ahmed Mahmoud Mohamed Tammam reportedly died on 21 July 1999 in El-Omraneya police station, Giza. Hany Kamal Shawky reportedly died on 21 April 1999 in El-Azbakeya police station, Cairo. Hamdy Ahmed Mohamed Askar reportedly died on 16 February 1999 in Al-Mansoura General Hospital, where he had been transferred from Mansoura I police station. Amr Salim Mohamed reportedly died on 17 July 1999 in El-Khosous police station, El-Khanka, Kalyoubeya governorate.

362. The Special Rapporteur has received information on the individual cases summarized below.

363. Abdel-Hayy Mohamed Abu-Bakr was reportedly arrested at his home on 6 February 1998 on charges of counterfeiting currency. He was allegedly taken in a police vehicle to the Aswam police station, where his clothes were stripped off and he was tortured while the police questioned him on the location of the counterfeiting device. He was allegedly blindfolded and then beaten with hands, sticks and whips; hot and cold water was poured on his naked body; he was given electric shocks on his penis, anus, toes and other parts of his body; he was suspended from a door with his legs and arms tied; and the police tried to insert something into his anus. He reportedly complained to the prosecution about his arrest and treatment on 14 February 1998. The Aswan Health Department recorded that bruises on his body had been caused by "collision with a solid body" and small grazes on the right hand were the result of electric shocks, and that the wounds were about a week or 10 days old. Although local organizations reported the incident to the Public Prosecutor and the Minister of the Interior on 16 September 1998, the Chief Attorney General reportedly ordered the closure of the investigations into the allegations of torture.

364. Yousif Sayid Mahmoud was allegedly tortured at the Kalyoub police station on 7 March 1998. He had reportedly gone to the police station to report the disappearance of his wife. He, however, was reportedly arrested and a police

assistant and three other police officers began to beat him. Two wires were allegedly clipped to each of his ears and then connected to what was described as looking like a telephone. When the telephone receiver rotated, he reportedly received an electric shock. His hands and legs were then allegedly tied and his feet were beaten with clubs. On the evening of the same day, his nephew, Mohamed Ismael Bakr, was summoned to the police station and was subjected to similar treatment by the same police officers. Following their release on the following day, they reported the torture to the Kayloub prosecution office. Forensic examinations ordered by the prosecution concluded that the wounds corresponded with what would result from direct contact with electricity. The Attorney General is reported to have decided to close the case, despite the findings of the forensic report.

365. Fathi Basyouni Mohamed was allegedly subjected to torture by an officer of the criminal investigations unit of Kafr Al-Sheikh Security Directorate on 9 June 1998. After being held for five hours, he was allegedly attacked by the criminal investigations officer and a number of detectives. They allegedly beat him with fists and sticks, and kicked him severely on the face and other parts of his body. As a result, he reportedly suffered a fracture of the left arm and visible bruises in several parts of his body. The head of the Lawyers Syndicate in Kafr Al-Sheikh reported the incident to the Kafr Al-Sheikh Prosecution Office.

366. Mohamed Saeed Mohamed was allegedly detained and tortured by a police officer from Al-Zawya Al-Hamra on 12 and 13 June 1998. The police officer, who arrested him, was reportedly not satisfied when Mohamed gave him his passport and verbally assaulted Mohamed. When he objected to the verbal assault, the officer allegedly ordered guards to throw him in a police car and he was taken to the police station. At the police station he was allegedly beaten with sticks, kicked and tied to the falaka, a torture instrument used to facilitate beating on the feet. On 14 June he reportedly filed a complaint with the Public Prosecutor which was referred to the North Cairo Prosecution. An examination carried out on 15 June 1998 reportedly found that he had fractures to the jaw and teeth, bruises on the buttocks and face, beneath the right eye, and wounds on the left arm and leg.

367. Sayid Abdalla Soliman was reportedly arrested on 6 September by policemen from the Basateen police station in front of his home in the Cairo district of Dar Al-Salaam. He, along with his mother, sister and brother, were allegedly taken to the Kars Al-Nil police station to be questioned about a theft with violence reported by a woman for whom his mother worked as a cleaner. Reportedly, when he was asked his whereabouts at the time of the theft, he stated that he was visiting a relative, Akram Mohamed Hassan in Al-alam City. The police then allegedly arrested Akram, his two brothers, Hani and Emad Mohamed Hassan, and took them to the Kars al-Nil police station. All of them were allegedly handcuffed, suspended from the door of the detention room and beaten on several parts of the body. It is further reported that Mohamed Ahmed Ali, the brother-in-law of Sayid Abdalla Soliman, was arrested. Moreover, on the following day the wife of Sayid Abdalla Soliman, Mervat Mohamed Hassan, was allegedly detained when she visited the police station to enquire about her husband. The police allegedly threatened her with rape, and attacked her to force her to make a confession against her husband. The police allegedly arrested two other relatives of the accused, and detained and beat them in the station to extract information from them about the theft. Nine of those arrested were subsequently released, reportedly on condition that they reported to the

station, while three were allegedly transferred to an unidentified place. The police chief denied the detention of any of the persons in the station when two lawyers made inquiries. The detention was also reported to the Chief Prosecutor, who the lawyers requested to visit the Kasr Al-Nil police station. Further, on 11 September 1998, notification was filed with the Attorney General of Central Cairo to investigate the incident and on 13 September notification was filed with the Public Prosecutor.

368. Mostafa Gad Al-Karim Mostafa was allegedly subjected to torture in the Heliopolis police station on 15 September 1998. He and others were reportedly arrested and held by the investigation unit of the Heliopolis police station when a neighbour died of a heart attack during an argument between Mostafa and the neighbour. The police allegedly removed his clothes, tied his hands and legs and beat him on the feet after being tied to the falaka. The Heliopolis Prosecution Office reportedly examined his injuries on 16 September 1998 and ordered that he be examined by a forensic doctor on 21 September 1998. Further, notification was reportedly filed with the Assistant Public Prosecutor and a report was sent to the Attorney General, who reportedly referred the victim to the head of the Heliopolis Prosecution Office.

369. Mahmoud Sami Mohamed, Rabba Atta Ibrahim, Nagwa Fadl Tawfeek and Shaaban Sami Al-Rayis were allegedly arrested on 10 October 1998 by police from the Al-Hawamdya police station in order to coerce them to give information on the hiding place of three fugitives, who were their neighbours, who had escaped from the police station. Mahmoud Sami Mohamed was held in detention from 10 to 14 October and tortured in the office of the head of the investigation unit. He was allegedly blindfolded, his hands tied behind his back, beaten with sticks and administered electric shocks on several parts of his body. Further, one of the officers allegedly threatened to rape his wife in front of him if he did not speak. Medical reports issued by the Badrashein Hospital indicate that he suffered bruises on his right shoulder and arm, bruises on the left elbow, bruises on the right knee and thigh, a wound above the right wrist and bruises and marks on the back, beneath the neck. Rabha Atta Ibrahim was also allegedly held from 10 to 14 October and tortured in the office of the head of the investigations unit, reportedly in order to force her to give information about the whereabouts of the three fugitives. The police allegedly beat her on the feet with a stick after tying her to the falaka, cut her hair, punched her shoulders, kicked her and tied her hands and legs and gave her electric shocks. The medical report indicates that she suffered a bruise on the upper right arm and bruises and swelling on both knees. Nagwa Fadl Tawfeek was reportedly arrested on 10 October and taken to the police station where the police are alleged to have removed her head cover, beat her face with their hands, and then tied her legs and raised them while they beat her feet with a stick for approximately 15 minutes. She was then allegedly ordered to stand up and she was beaten on her head and entire body with a stick. Further, an officer allegedly attempted to remove her clothes and touch her breasts and threatened to rape her. Sahaaban Sami Al-Rayis, the brother of one of the fugitives, was reportedly arrested on 10 October and taken to the police station. He was allegedly beaten and kicked in the genitals when he was unable to provide information on the whereabouts of his brother. He was then allegedly taken to the investigation office, where he was blindfolded, his hands tied to the falaka, and an electric wire was connected to his body. Whenever he said he did not know where his brother was, the police allegedly connected the current. He was reportedly subjected to electric shocks for half an hour and then water was poured over him. All of the above-named individuals were reportedly released on 15 October

1998 and notification was filed with the Public Prosecutor, the Minister of the Interior and the Badrasheen Prosecution Office. On 18 October the Badrasheen Prosecution Office is reported to have begun an investigation of the allegations and ordered that the complainants be examined at the Badrashein Hospital.

370. Zenhum Mohamed Badr was reportedly arrested on 29 July 1998 on charges of killing a girl in the village of Ghazal. He was reportedly questioned by a major at the electricity police station about the disappearance of a girl from the village on 22 July 1998. When he denied knowledge of her whereabouts, detectives, acting under orders of a major, allegedly removed his shirt, tied his hands behind his back and then tied him to a door for an hour with his legs were reportedly bound with his belt. He was then reportedly taken to the major, where he was suspended from the door for four hours before being subjected to electric shocks on his penis. He reportedly confessed to the crime, and when the body of the girl was not found, he was allegedly subjected to further beatings with electric cable and suspended. As a result of the torture, it is reported that he confessed a second time and took the police to a field where he stated he had buried the girl. When the body was not found, he was returned to the station and again beaten. On 2 August he was reportedly taken to the Public Prosecutor and made another confession, and then to the Al-Abadya prison in Damanhour. On 18 August the girl reportedly re-appeared. The major allegedly threatened to put him on military trial if he reported the torture and, therefore, he initially informed the prosecution that he had confessed because of low morale. He subsequently filed a complaint with the Keleen prosecution. His brother, Ibrahim Mohamed Badr was allegedly detained and taken to the telephone office in the village along with his mother and wife. They were also questioned about the disappearance of the girl and then taken to the Keleen police station where he was allegedly kicked and punched in front of his mother and wife to extract a confession of participating in the murder. He was then allegedly tied and beaten while suspended from a door. He, his mother and wife were then reportedly transferred to Damanhour police station. Another brother, Fouda Mohamed Badr was allegedly arrested when he went to visit his brother at the police station. It is reported that his hands were tied behind his back and he was suspended from the door of the room. He was then allegedly tied to a falaka and his feet were beaten. Later he was allegedly suspended for several hours by a wire from a tree in the station yard. He was then transferred to the Damanhour police station, where he was allegedly subjected to electric shocks. During the ill-treatment, police allegedly asked him to confess to murder.

371. Shaaban Mohamed Abdel-Gawad allegedly died as a result of torture inflicted by police at the Kalyoub police station on 13 December 1998. The police reportedly arrested 21 people who were considered suspects in the murder of a 60-year-old woman in the village of Ramada. All were allegedly detained for four days and subjected to ill-treatment or torture to force them to confess or give information about the killer. Shaab Mohamed Abdel-Gawad was allegedly subjected to electric shocks, beaten and kicked. As a result of the torture, he reportedly confessed to the murder of the woman and theft of her gold but despite the confession, police reportedly continued to beat him with water hoses and give him electric shocks. Police officers allegedly attempted to bury the body of the victim without informing his family or the people of his village, but villagers reportedly intervened. Mohamed Sayid Mahmoud Eweida, who was amongst the 21 persons detained as suspects in the same murder case was allegedly subjected to torture by the police in Kalyouba police station. An electric wire was allegedly connected to his toe and another to his mouth, penis

and testicles. He was allegedly subjected to electric shocks and beaten for three hours to force him to confess to the murder and theft.

Urgent appeals and replies received

372. On 29 January 1999, the Special Rapporteur sent an urgent appeal on behalf of Ahmad Hassan Badi'a, Ala' Hassan Badi'a, Yassir Hassan Badi'a, Magdi Fahmi and Muhammad Farag. On 11 January 1999, Ahmad Hassan Badi'a, Magdi Fahmi, Muhammad Farag and 12 other Egyptian men had reportedly been arrested in Kuwait and forcibly returned to Egypt. The Kuwati authorities had reportedly accused these men of subversive acts to destabilize the security and stability of Kuwait. They were reportedly being held at the State Security Investigation Department (SSI) in Lazoghly Square, Cairo. On 15 January 1999, Ala' Hassan Badi'a and Yassir Hassan Badi'a, brothers of Ahmad Hassan Badi'a, had reportedly been detained and were believed to be held at the SSI headquarters in Zaqaziq, Sharquiya province.

373. On 2 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Ibrahim Mohamed Ibrahim who was currently held at the Al-Istinaf prison, where he was serving a four-year sentence. He was allegedly suffering from a gangrenous lower jaw, due to a bullet with which he had been shot at the time of his arrest and that had not been removed. He was therefore reported to be suffering from purulent bleeding and constant fever, and from tuberculosis. He was allegedly denied appropriate medical care.

374. On 9 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Dr. Abdel-Monim Abu Al-Fotouh, the Secretary General of the Arab Doctors Union, who was reportedly suffering from arteriosclerosis, kidney problems and a stomach ulcer; Dr. Prof.Mohamed Al-Sayid Habib, a 56-year-old professor of Geology and head of the Faculty Club at Assyut, who was reportedly suffering from diabetes and chronic kidney problems; Khayrat Al-Shater, a 50-year-old engineer and head of the Board of Directors of Salsabeel Computers Company, who was reportedly suffering from a spinal deficiency; Dr. Prof. Mahmoud Ahmed Omar Al-Arini, the 73-year-old former Dean of the Faculty of Agriculture at Al-Azhar University, who was reportedly suffering from kidney problems and general health problems due to his age; and Mahmoud Abu Rayya, the 76-year-old head of the Personnel Department at the Arab League, who was reportedly suffering from kidney failure and general health problems due to his age. They were all serving sentences at the Mazrait Tora prison on charges of belonging to the Muslim Brothers Group. Their health conditions had allegedly been seriously deteriorating and they were allegedly being denied medical treatment.

375. The Government replied to the urgent appeal on 27 September 1999 with information on each of the five men.

376. Concerning Dr. Abdel Moneim Abu al-Fotouh Abdel Hadi, the Government replied that he had been sentenced to five years' imprisonment with hard labour in military felony case number 11/95, and that he was suffering from arteriosclerosis for which he was being treated at the Tura penitentiary hospital where he had undergone electro cardiology, blood tests and arteriography. The Government further replied that he had previously been referred to Manyal University Hospital where he was detained from 22 February to 8 April 1997 for treatment of angina pectoris. His treatment at the Manyal University Hospital included a catheterization operation (widening of the

coronary artery). The Government indicated that he was currently receiving treatment consisting of arterial dilation, hypertension reduction and medication for respiratory problems. The Government indicated that his condition was stable and that he was preparing to sit a number of examinations as part of his enrolment in the Faculty of Law at Cairo University and Faculty of Commerce at Helwan University. He had already sat an examination for a public health diploma at Cairo University. The Government informed the Special Rapporteur that he had been granted leave of absence to sit an examination for the British Royal College of Medicine's fellowship degree in paediatrics on 1 October 1997. Concerning Dr. Muhammad al-Sayyid Ahmed Habib, the Government replied that he was sentenced to five years' imprisonment with hard labour in military felony case number 8/95. The Government informed the Special Rapporteur that the state of his health was normal and that he is being treated for a high blood sugar level. He had previously received treatment for salt in his urine and for sinusitis.

377. Concerning Muhammad Khairat Saad Abdel Latif al-Shater, the Government replied that he was sentenced to five years' imprisonment with hard labour and was receiving treatment for hypertension and high cholesterol and triglyceride levels, but otherwise his condition was stable.

378. Concerning Dr. Mahmoud Ahmed Omar al-Arini, the Government indicated that on 24 July 1996 he was examined by the chief medical officer of the Tura penitentiary as he was complaining of pains in his lower back and knees. The medical examination showed that he was suffering from geriatric disorders for which he was given appropriate medical treatment. The Government replied that he was again examined by a doctor on 11 August 1998 as he was suffering from urinary retention. The Government indicated that he was then sent to the Manyal University Hospital at Cairo for the urgent insertion of a urinary catheter. After numerous medical tests, the Government indicated, he underwent an operation for the removal of an enlarged prostate on 13 August 1998 and was returned to the penitentiary on 15 September 1998 after his state of health had improved.

379. Concerning Mahmoud Ali Abu Rayya, the Government indicated that he was sentenced in State security case number 5/96 and later released on 2 June 1999 after serving his sentence. The Government informed the Special Rapporteur that on 9 May 1996, he was sent to Manyal University Hospital as he was suffering from an enlarged liver, abdominal "dropsy", swelling of the legs and was unable to concentrate. He was retained for treatment and medical observation until 15 May 1996. The Government further replied that, on 24 November 1996, he was sent back to the Manyal University Hospital for a check-up, tests and x-rays of his oesophagus, liver and digestive system. The results of the tests were that the majority of his internal organs were in good condition except for his liver and spleen, which were slightly enlarged. The Government noted that he was given appropriate medical treatment. He received further treatment on 11 December 1996 at the Tura penitentiary hospital for suspected epidemic hepatitis, and on 15 May 1997 he was returned to Manyal University Hospital for medical tests including x-rays of his prostate, which, after being found to be enlarged, was treated with appropriate medical treatment. The Government further stated that on 3 March 1998 he was examined by a specialist at the Tura penitentiary hospital for a nasal obstruction. The treating physician advised against a surgical operation as he was suffering from liver failure and anaesthesia might have placed his life at risk. Finally, the Government replied, on 17 March 1999 that he was examined by an ophthalmologist at the prison hospital for an

immature cataract and high pressure in the fundus of his eye. The Government replied that he had received appropriate medical treatment which had improved his health.

380. On 26 July 1999, the Special Rapporteur sent a joint urgent appeal in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Atif Ali Farghaly who had reportedly been detained since 15 March 1993 under an administrative order, allegedly for being a member of Al-Gamaa Al-Islmeya, a reported Islamic militant group. He had never been formally charged or sentenced. He was reportedly held in Abu Zaabal (Shadid El-Heras) prison, in Qalioubeya district. A medical report from the Cairo University Hospital dated 6 July 1999 reportedly concluded that he had contracted tuberculosis. He is reported to be very weak and exhausted, and to have been denied medical treatment.

381. On 5 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Magdi Ibrahim al-Sayyid al-Naggar, an Egyptian national who was a legal resident working in Saudi Arabia since 1991. He was reportedly originally charged in the "Returnees from Albania" trial, but he was acquitted of all charges in absentia in April 1999. Saudi Arabian authorities forcibly returned him to Egypt on 30 July 1999. He was reportedly arrested due to the fact that his brother, Ahmad Ibrahim al-Sayyid al-Naggar, is allegedly a member of the armed Islamist group al-Jihad (Holy Struggle). He is allegedly being held in incommunicado detention at the State Security Investigation Department (SSI) headquarters in Lazoghly Square, in Cairo.

382. On 11 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Talaat Mohammed Ibrahim, who had reportedly been detained on 7 January 1994 and since that time had been held in several prisons before being transferred to Damanhour, where he was currently held in detention. As a result of spinal pains, he reportedly cannot move. He was also reported to be unable to speak, his breathing was short and shallow and he was extremely weak. In spite of his condition, the prison administration has allegedly refused to admit him to a hospital or provide necessary medication or treatment.

383. On 5 November 1999, the Special Rapporteur sent an urgent appeal on behalf of Abdel Hakeem Marwan Sedeek, Ahmad Abdel Rahman Abdel Raheem and Saad Mohammed Hasab El Nabi. Abdel Hakeem Marwan Sedeek, who was reportedly jailed on 31 November and is currently being held at Damanhour prison, reportedly suffers from tuberculosis, severe asthma and stenosis. The prison administration has reportedly denied him access to external medical care. Ahmad Abdel Rahman Abdel Raheem, who was reportedly jailed on 14 January 1995 and is currently held in Wadi El Natroun 1 Prison, reportedly suffers from heart, kidney and rheumatoid problems. Saad Mohammed Hasab El Nabi, who was reportedly jailed on 21 March 1995 and is currently held in Wadi El Natroun 1 Prison, has disk prolapse which causes him severe pain.

Follow-up to previously transmitted communications

384. The Government replied on 6 April 1999 to cases transmitted by the Special Rapporteur on 5 November 1998 (see E/CN.4/1999/61) and 28 April 1997 (see E/CN.4/1998/38/Add.1).

385. Concerning prison conditions (see E/CN.4/1999/61, para. 191), the Government replied that it was unable to provide the Special Rapporteur with

information on the maximum security prison since neither specific incidents nor dates were mentioned in the communication to the Government. The Government further indicated that there is no evidence that any complaints were filed with the competent authorities.

386. The Government replied to a number of individual cases previously transmitted.

387. Concerning Waheed El-Sayid Ahmed Abdulla (ibid., para. 194), the Government replied that he was arrested on 9 April 1998 by the head of the Belqas Investigation Department on suspicion of theft. The Government indicated that during questioning at the police station, he took ill and was returned home where he died that day. An investigation was commenced by the Department of Public Prosecutions. Witnesses have been questioned and an autopsy report has been ordered. The Government stated that the Prosecutor detained the head of the Belqas Investigation Department along with other members of the Department, initially for 15 days and later a further 45 days, after which time they were released on bail. Pursuant to a ministerial decision, an officer was suspended until the conclusion of the investigation. A case against the members of the Investigation Unit has commenced, but the hearing dates have not been set.

388. Concerning Adem Mahmoud Adem (ibid., para. 196), the Government replied that on 26 November 1996, a detective sergeant from the Moharram Bek police accompanied by a detachment of police officers approached him to ask his identity when they saw him on the street and deemed him to be suspicious. The Government replied that when the officers approached him, he suddenly fainted and was taken to the Coptic Hospital where he died. The hospital reported the incident to the police and an administrative report (number 14766/1996) was prepared. Thereafter, the Department of Public Prosecutions conducted an investigation, which included interviews with the deceased's nephews and other persons accompanying him at the time of the incident. His nephews told the investigation that two of the officers pulled their uncle causing him to fall and then dragged him, before leaving him when they saw that he had an artificial leg. They said that officers then took him to the hospital where he died. The Government stated that the detained suspects who were with the detective sergeant were questioned and denied that there had been any act of aggression against the deceased, as did the police officers and detective sergeant involved. The Government indicated that the forensic examination revealed the cause of death was pathological and caused by a recent blood clot in the coronary artery which may have been escalated, but in a normal healthy person, not caused by intense emotion resulting from the incident. The Government finally replied that on 4 January 1997, the Department of Public Prosecutions closed the case as the death was the natural result of a pathological condition and as there was no proof that he was dragged on the ground.

389. Concerning Ahmed Mahmoud Youssif (ibid., para. 204), the Government replied that he was arrested on 25 May 1997 by an officer from the Zagazig police station for harassing citizens. The Government indicated that he was carrying a sharp knife, which was confiscated. He was later released and submitted a complaint (number 5150/1997) of having been beaten during his arrest by the officer in charge of the Zagazig police station, citing two witnesses. An investigation conducted by the Department of Public Prosecutions revealed an injury to his upper back. The Prosecution recommended that the case be closed and the charges dropped due a discrepancy between the findings of the

investigation and those in a medical report, as well as on the basis that his affirmations were inconsistent with the account given by his witnesses.

390. Concerning Mohammed Mohammed Naguib Abu-Higazi (ibid., para. 211) and Abdel-Salaam Hassan Hassan Omar (ibid., para. 205), the Government replied that they were arrested on 17 September 1997, pursuant to an order by the Minister of the Interior acting under the Emergency Law. The Government indicated that they were students and members of a terrorist group and that they were released on 25 September 1997. The Department of Public Prosecutions commenced an investigation and when the two individuals were questioned, they complained of having been unlawfully detained and beaten, but traces of the injuries had disappeared. Officers denied the accusations made against them. The Government informed the Special Rapporteur that after the documents submitted were reviewed, the correctness of the measures taken against the two men was confirmed and their allegations were refuted, so the investigation was closed with the Assistant Attorney-General's approval on 17 February 1998.

391. Concerning Muhammed Abdel Sattar Hafez (ibid., para. 207), the Government replied that he was arrested at his home on 17 September 1997 pursuant to an order by the Ministry of the Interior and later released on 25 September 1997. It indicated that he was a student and member of a terrorist group. The Government informed the Special Rapporteur that he filed a complaint alleging, inter alia, that he had been beaten and an investigation was commenced but the traces of his injuries had disappeared. Officers were questioned and denied the allegations. The Government stated that a review of the documentation, and an examination of police station records confirmed that correct measures had been taken, and his allegations were refuted. Accordingly, the investigation was closed with the Assistant Attorney-General's approval on 17 February 1998.

392. Concerning Magdi Adbel-Moneim Ahmed (ibid., para. 208), the Government replied that he submitted a complaint to the Department of Public Prosecutions (number 7737/1998) alleging, inter alia, that criminal investigation officers from the al-Sahel police station arrested, searched and tortured him to make him confess to theft, and arrested his wife, the doorman of the building and others. The Government indicated that the complaint was referred to the medical examiner, who found his injuries could have been caused in the manner alleged in his complaint. The Government further indicated that although he later withdrew his complaint, it is still being investigated along with a complaint submitted to the Department of Public Prosecutions by his wife.

393. Concerning Gomaa Abdel-Aziz Mohammed Khalil (ibid., para. 210), the Government responded that he was accused on 11 July 1998 of operating a place of prostitution and brought before the Department of Public Prosecutions, which ordered his remand on custody pending an investigation. He was released on 24 March 1999. The Government advised that he has not submitted any complaint of ill-treatment.

394. Concerning Emad Shehata Abdel-Fattah (ibid., para. 213), the Government replied that he was arrested with a warrant on 30 April 1997 for larceny. The Government indicated that he filed a complaint (number 5420/1998) and the Department of Public Prosecutions began an investigation including into statements that he had been beaten by a stick and was tied up by a chain. The officers accused of ill-treatment denied the allegations. The Government further replied that he had been examined by a health inspector, who had found three-

day-old bruises on his lower lip which he would have sustained the day prior to his arrest. The Department therefore decided to close the file on the complaint.

395. Concerning Adel-Basset Ahmed Hassab Abdel-Moniem (ibid., para. 215), the Government responded that he had been charged with operating an unlicensed coffee shop and other charges, which were referred for criminal prosecution on 24 July 1997. The Government further replied that no complaint alleging torture had been submitted by him to the Department of Public Prosecutions.

396. Concerning Nasr Awad Mohmoud (ibid., para. 221), the Government replied that he had been arrested on 13 November 1997 by the Investigation Unit of the Kom Ombo police station, Aswan, in accordance with a warrant for his arrest for possessing an unlicensed weapon. The Government further replied that he had submitted a complaint to the Department of Public Prosecutions alleging that he was assaulted in the presence of his two neighbours and an official watchman, in an attempt to discover the whereabouts of unlicensed weapons. The Government indicated that the Department of Public Prosecutions questioned the above-mentioned witnesses, who informed it that a police officer and members of the Investigation Unit accompanying him, went to his house and carried out a search. The officers denied the allegations. It stated that a preliminary medical report confirmed the existence of bruising on his neck and abrasions and swelling on his legs which, according to a subsequent medical examiner's report, later disappeared. The Government replied that charges were laid against the detective sergeant and the head of the criminal investigation department but they were dropped on 24 January 1998 on the basis that there was insufficient evidence for criminal prosecution.

397. Concerning Kamal Ibraheem Hamed (see E/CN.4/1998/38/Add.1, para. 94), the Government replied that he was arrested on 10 April 1995 in accordance with a warrant, on suspicion of arson. He was initially held for four days for investigation, which was extended several times, and that during his arrest he was extremely agitated and caused himself injury. The Government further indicated that the police had recorded his attempt to commit suicide on 18 April 1995. The Government stated that he made a complaint to the Department of Public Prosecutions alleging, inter alia, that he had been assaulted in order to extract a confession. It stated that one witness confirmed his allegation while another witness denied it. Two officers questioned also denied the allegations. One officer stated that Emad Shehata Abdel Fattah caused his own injuries, while the other officer stated that he was on sick leave at the time of the alleged beatings, which the Government confirmed to be true. A medical report undertaken indicated that his injuries were caused partly by some form of solid object and partly by objects with a rough surface. The Government further replied that the Department of Public Prosecutions excluded any suspicion of a criminal act of torture and closed the case.

398. Concerning Mohammed Ahmad Mustapha, Jaber Ahmed Mustapha, Youssef Abdu Youssef and Atef Abdulla Razeq (ibid., para. 95), the Government replied that there was no indication that they had been arrested in Port Said on 27 May 1995 nor had any complaints been filed by any of the men alleging torture. However, the Government reported that Mohammed Ahmad Mustapha was questioned and later released on that day.

399. Concerning Mohammad Wagdi Mohammad Durra (ibid., para. 98), the Government replied that the Security Forces received information to the effect that he had been attending Islamic youth meetings at which he was criticizing

and belittling Islam, causing friction and provocation to public order. The Government stated that he was arrested with a warrant by State Security forces on 12 October 1996 and was remanded in custody pending investigation, before being released on bail. The Government indicated that no complaint of torture was made to the Department of Public Prosecutions or to the Office of the Attorney-General for Human Rights.

Observations

400. The Special Rapporteur continues to appreciate the responses of the Government while sharing the concerns of the Committee against Torture, in its conclusions and recommendations following its review of the periodic report of Egypt under the Convention against Torture, at the "large number of allegations of torture and even of death relating to detainees made against the police and State Security Intelligence" (A/54/44, para. 207). He particularly regrets that discussions he has had over the years with the Permanent Mission have failed to elicit an invitation to visit the country.

Equatorial Guinea

Regular communications and replies received

401. By letter dated 30 November 1999 transmitted jointly with the Special Representative on the situation of human rights in Equatorial Guinea, the Special Rapporteur advised the Government that he had been informed that, following the events of 21 January 1998, three soldiers and a number of civilians were killed and approximately 500 persons were arrested in the months of January and February 1999.

402. The authorities reportedly accused the Movimiento para la Auto-determinación de la Isla de Bioko (MAIB) of being responsible for attacks on military barracks. Most of the detainees, including women, were allegedly arrested because they belonged to the Bubi tribe. According to the information, members of the tribe were tortured by agents of the security forces, who kicked them and hit them with rifles. At least six persons allegedly died as a result of these events. Many women were allegedly raped, particularly in Malabo and other Bubi settlements. Some people claimed that their ears were cut off with razors or bayonets. During the trial in May 1998, at least 10 people, including Fernando Riloha, were reportedly seen with their ears cut off. Many Bubis were allegedly forced to get out of taxis and public transport vehicles at a roadblock in Sampaca and were subsequently beaten by security forces. Bubi leaders in Rebola were reportedly arrested on suspicion of hiding rebels or serving as safe conduct for them. The Malabo police allegedly kept the detainees in incommunicado detention for several weeks, relying mainly on torture to obtain confessions. The detainees were reportedly taken to a special room in the Malabo police station, where they were tortured. It is said that during their interrogation, some were subjected to various forms of torture and their arms and legs were immobilized with metal bars. Others were tied hand and foot and hung from the ceiling while the security forces looked on dispassionately.

403. The most violent attack on the Bubi tribe allegedly occurred in Malabo on 25 January 1998, when the Prime Minister, Ángel Serafín Dougan Seriche, who is of Bubi origin, convened a demonstration to show that the Bubis were loyal to him. Thousands were reportedly forced to participate, and anyone who would not, the threat was made, would be considered a rebel supporter. During the

demonstration, civilians from the Fang ethnic group closely linked to the Government and members of the security forces reportedly mistreated and insulted the participants. The next night, the Bubis were allegedly attacked in their homes by civilians from the Fang ethnic group and members of the security forces. According to the information received, some women were raped in front of their own husbands. The security forces failed to intervene and in many cases were among the aggressors.

404. During the months spent in incommunicado detention, conditions were extremely harsh. Containers of urine were allegedly spilled inside the overcrowded cells; detainees were not permitted to use the toilet and had to relieve themselves in the cells. During their transfer from Malabo police station to Black Beach prison they were reportedly forced to lie down in a truck bed in groups of five, one on top of the other, while policemen sat on them. Upon arriving at the prison they were denied any medical treatment whatsoever. In early July, it is said, Milagrosa Cheba was finally sent to hospital, as she was suffering from malaria, but she was returned to the prison before she had fully recovered. César Copoburu, who was sentenced to 26 years' imprisonment, was allegedly taken to hospital in mid-July after complaining of abdominal pain for more than a week. He underwent surgery and was rapidly sent back to prison, despite the appalling hygienic situation there. Martin Puye allegedly died in hospital on 14 July 1998, two weeks after being taken to Black Beach prison. He had suffered from hepatitis for quite some time, but the authorities reportedly refused to send him to hospital until it was too late for him to be cured.

405. During the trial in May 1998, the court allegedly accepted statements obtained through torture without any investigation whatsoever of the complaints thereof. At least 14 people reportedly indicated during the trial that they had been tortured. In one instance, the prosecutor allegedly admitted that the victim had been tortured: "We see that you have been tortured by the police, we admit it, but you signed a statement in the presence of a judge." Various appeals for investigation of violations of human rights and of deaths during pre-trial detention went unheeded.

406. The Special Rapporteur and the Special Representative have received information on the following specific cases.

407. Lino Losoha, a member of the Partido Democratico de Guinea Equitorial (PDGE), was allegedly detained for being a community leader in Rebola. He was reportedly informed he was suspected of knowing the whereabouts of fugitives. The security forces are said to have taken him to a military outpost at the edge of the town where they reportedly burned his testicles, stomach and chest with a cigarette lighter. He was allegedly fined and released upon payment of the fine.

408. Victor Bubayan, a teacher from the Bubi tribe, was reportedly arrested on 21 January 1998 in the school where he worked because he was the brother-in-law of César Copoburu, who is thought to be one of the leaders of the attacks. He was allegedly mistreated in front of his students and beaten with electric cables. His family had no news of him for several days. He is said to have been detained in a police station, yet no statement was taken from him. He was finally released without charge on 11 February 1998.

409. Father Bienvenido Samba Bomedoro, a Protestant priest who was considered to be one of the leaders of the attacks of 21 January, was reportedly beaten

heavily. He is said to have been tied up in the police station, lashed across the neck with a whip and warned that he would be the ne victim.

410. During his trial, Gregorio Pancho Borapa, the mayor of Rebola, was reportedly able to whisper only a few words, with difficulty, and when the prosecutor asked him to speak up, he said, "I can't because they broke my jaw when they were torturing me".

411. David Nuachuku, a Nigerian, was allegedly kept handcuffed for 52 days at the Malabo police station. His hands and legs were tied behind his back with electric cables and he was beaten until he lost consciousness.

412. César Copoburu was reportedly forced to confess to being one of the approximately 30 people involved in the attacks on military camps of 21 January. His confession was allegedly obtained using torture. He is said to have broken bones in the lower body and to have received no treatment of any kind.

413. Milagrosa Cheba, secretary of an agricultural trade union whose director is alleged to be a leader of the attacks, was reportedly tortured severely. According to the information received, she was forced to remain kneeling for several hours and was subsequently beaten about the head. She is reportedly the only woman convicted on the basis of a confession obtained through torture. She was sentenced to six years' imprisonment.

414. Domiciana Bisobe Robe was allegedly arrested for being romantically involved with one of the leaders of the attacks on the military camps. She was reportedly taken several times to the Malabo police station in the middle of the night for interrogation. There she was undressed and beaten and her breasts were handled, but she was not raped.

415. Francisca Bisoco Biné, the wife of Robustiano Capote Sopole, who was sentenced in June 1996 to 26 years' imprisonment, had a miscarriage because of the beating she received. The security forces reportedly arrested her on 23 January in her home in Sampaca in the absence of her husband. Despite the fact that she was pregnant, she was allegedly lashed with a whip and detained in Malabo police station for five days, after which her child was stillborn.

416. Bessy, one of the Nigerians suspected of training the attackers, was reportedly beaten heavily every night, especially on the soles of the feet. One of his legs was completely infected and his feet were swollen. On 24 January, some of the prisoners reportedly asked the guards to remove him from the cell because he might infect all the others, to which the guards replied "We're going to kill you all anyway." Shortly thereafter, a military doctor arrived with the Minister of Health and observed that Bessy had died.

417. Idelfonso Borupu was allegedly arrested in Basakato for having treated one of the wounded attackers. He was subsequently taken to Malabo police station in uncertain health. Once there, he was left to the elements, was beaten and died.

418. Irineo Barbosa Elobé reportedly died in hospital on 1 March 1998. It is said that he showed signs of mental imbalance as a result of the torture to which he was subjected.

419. Carmelo Yeck Bohopo allegedly died in hospital. He was arrested in Malabo on 6 February 1998 upon leaving church and taken to the police station, where he was reportedly beaten severely. He is said to have died on 9 February 1998. No autopsy was performed.

420. The Special Rapporteur and the Special Representative also received information on the following individual cases.

421. Teófilo Osam Mbomio was reportedly arrested on 30 May 1998 in Añisok. He allegedly remained in detention for a week, during which he was given 150 blows on the soles of the feet. He is alleged to have publicly refused to sign a sworn statement asserting that he was in the Government party.

422. In September 1997, members of the opposition party, including six women, were reportedly detained in Akurenam while they were preparing songs to welcome their leaders. The women were undressed and beaten. They were not given a trial but were forced to pay very high fines to obtain their freedom.

Urgent appeals and replies received

423. On 17 March 1999, the Special Rapporteur transmitted an urgent appeal concerning Teótimo Mbo Edó, Fidel Abesó, Marcos Esimi, Felix Ngomo, Juan Miquibi, Francisco Nguema, Gaspar Nculu, Luis Mba Bayeme, Juan Ebuna, Manuel Nzo, Zacharías Esimi and Santiagi Ndong, who had been in incommunicado detention since 7 March 1999 in Nsok Nsomo, eastern Equatorial Guinea. At the time of their detention, they had been acting as electoral observers for their political parties, the Unión Popular and the Convergencia para la Democracia Social, during the legislative elections of 7 March 1999, which are now finished. In the course of the elections, there were reportedly cases of physical ill-treatment and beating of persons who refused to vote for the Government party and of detentions and forced displacement in order to avert the presence or voting of political opponents.

424. By letter dated 28 May 1999, the Government responded to this urgent appeal. Concerning the information on torture of electoral observers for the Unión Popular and the Convergencia para la Democracia Social and of persons refusing to vote for the Government party during the legislative elections of 7 March, the Government declared that they are false accusations. It pointed out that affiliation with a political party and exercise of the right to vote are neither offences nor against the country's interests. As evidence, it pointed to the participation in the elections as independent observers of the Organization of African Unity (OAU), the francophone ACP countries, various non-governmental organizations, the United States of America and others, all of whom indicated that the elections had been very well organized and did not mention any incidents.

425. On 28 October 1999, the Special Rapporteur transmitted an urgent appeal jointly with the Special Representative on the situation of human rights in Equatorial Guinea concerning Emilio Ribas Esada, Gregorio Bomuagasi, Milagrosa Cheba and Alehandro Mbe Bita Rope, who were being held in Malabo prison. They had reportedly requested medical treatment for their ailments, but such treatment had so far not been provided. Gregorio Pancho Borapa is said not to have received medical treatment although he is suffering from a jaw broken, according to the source, by a police officer at the time of his arrest in January 1998.

Eritrea

Regular communications and replies received

426. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information according to which Ethiopian nationals living in Eritrea have been ill-treated by the police during periods of conflict with Ethiopia (since May 1998). In particular, he transmitted information on the following cases.

427. Hadish Wolde-Negus, an Ethiopian trader from Assab, was reportedly arrested by police and ill-treated while being questioned about his alleged support for Ethiopia's war effort. He was reportedly questioned about his monthly donations to the Tigray Development Association (TDA), which is said to be registered in Eritrea as an Ethiopian non-governmental organization supporting development programmes in the Tigray region, and was told to report to the police every day. He reportedly said that he had disclosed all relevant documents to the police, but the police refused to accept them. During questioning, he was allegedly beaten on his back and legs when he failed to answer questions to the satisfaction of the police. According to the information received, marks on his legs, consistent with healing injuries, were visible. He reportedly returned to Ethiopia in August 1998.

428. Demos Desta, a priest from Assab, said he had been questioned for three days about payments to the TDA. During that time he was allegedly beaten with electrical cable and kicked repeatedly. After his release, he returned to Ethiopia on 22 June 1998.

429. Wolde Hagos, a hotel worker, was dismissed on the day the Asmara Airport was bombed at the start of June 1998. He was then reportedly arrested and taken to the 1st Police Station, where he was allegedly beaten while his hands were tied behind his back. After one month, he was released but the police reportedly tore up his identity card and work permit. When he went to register at the Ethiopian embassy, the police reportedly questioned him and asked for his identity card. He said he was taken to another police station, where he was allegedly beaten for not having the identity card.

Ethiopia

Regular communications and replies received

430. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information according to which the January 1999 expulsion of people of Eritrean origin from Ethiopia was often carried out in an inhumane manner. People were reportedly arrested in the middle of the night to conceal the security operation under way. Some were allegedly kept in detention for periods ranging from one or two days to several months before being expelled. The persons expelled were frequently only allowed to take one bag with them. One of the first to be expelled was an elderly man who arrived in Eritrea wearing only pyjamas and sandals, as he had not been allowed to take anything else. In some cases mothers were taken away without being allowed to arrange for the care of their children, and families were deliberately and systematically split up and expelled in different batches, often months apart. During the long journey lasting several days, toilet stops were reportedly few, food and water said to have been minimal, and despite the suffocating heat, windows were kept

shut. At night people slept in the bus and were not allowed to take belongings or even medication from their luggage on the roof. Several elderly people suffering from diabetes reportedly arrived in Eritrea extremely ill and needing emergency hospital treatment. Many of the expelled are said to have arrived at Eritrean reception centres, traumatized and exhausted.

431. The Special Rapporteur has also received information on the following individual cases summarized below.

432. Nike Kassaye, a journalist for the Beza newspaper, was allegedly abducted by unidentified gunmen in Addis Ababa in January 1995. He was reportedly detained in a secret detention centre by security forces for six weeks. During his detention he was allegedly beaten, ill-treated and denied medical treatment. He was reportedly weakened to such a point that he contracted typhoid. He was allegedly placed in a hospital and then escaped. According to the information received, he later escaped to Kenya, where he was followed by a senior official from the Ethiopian embassy. He was reportedly relocated to another country.

433. Ebyan Mohamed Ardo was reportedly arrested on 5 May 1995 in Kebrider by members of the Ethiopian People's Revolutionary Democratic Front (EPRDF). She was allegedly detained at the Kebrider army base from 7 May to 12 October 1995 because of her political affiliation with the Ogaden National Liberation Front (ONLF). She was reportedly not permitted to consult a lawyer nor was she told the charges against her. According to the information received, during her detention she was raped by three EPRDF soldiers during the night of 9 May 1995. They reportedly tortured her using swords, knives, clubs, the butts of guns and boots. She was allegedly tortured in order to coerce her to reveal ONLF objectives. She reportedly has pain in her back, kidneys and intestines, and continues having headaches.

434. Ifrah Asseir Hassan was reportedly arrested on 8 February 1996 in Dhagahbour by members of the EPRDF army. She was allegedly detained at the Dhagahbour army base because of her political affiliation with ONLF. According to the information received, she was not allowed to consult a lawyer during her detention. On 10 February 1996, a group of EPRDF soldiers reportedly entered her cell, brought her into another room and beat her body with the butts of their guns. She was also allegedly raped. As a result of the torture she allegedly sustained, she feels pain in her stomach and kidneys.

435. Rukiya Ilime Aden was reportedly arrested in May 1995 without being charged. She was allegedly taken in the middle of the night from her home, and then was beaten and raped. She was allegedly detained at the Degahbur military camp owing to her political affiliation with ONLF. On 10 May 1995, she was allegedly tortured by members of the Finahar, which is said to be a military intelligence service, by being forced to lie down on the floor and being punched and kicked by individuals wearing boots. As a result of the torture she experienced she has constant kidney pain, difficulty urinating, headaches, and feels that she is still in shock. According to the information received, she was not allowed to see a doctor for her injuries and was threatened with death if she revealed her experience.

436. Abdi-hiis Ahmed Dahir, a businessman, was reportedly arrested on 12 November 1996 in Diri-Dhabo. He was reportedly transferred to a prison in Addis Ababa. According to the information received, he was hung upside-down and

beaten. He was reportedly in critical condition and had been denied medical treatment.

437. Dhibane was reportedly arrested on 9 July 1996 after returning from the mosque. He was allegedly stopped by four EPRDF soldiers and was asked his religion. According to the information received, after he told them that he was Muslim, he was hand-cuffed, blindfolded and forced into a car. He was reportedly initially detained at the military barracks, but was then transferred to the Maikelawi police investigation centre. He was allegedly hung upside down and beaten until he lost consciousness. He was reportedly forced to drink his own urine and dirty salt water and deprived of sleep and food for more than five days. He was allegedly held in incommunicado detention for three months. During his detention, he was reportedly forbidden to practise his religion. Guns were reportedly pointed at his head and he was told that he would be killed if he did not confess to being a member of a terrorist group.

438. Svetlana Mamedova, an Ethiopian citizen born in Georgia, was reportedly arrested and detained on three separate occasions: from 30 November to 5 December 1991, from 10 March 1994 to 29 September 1995 and from 18 April 1996 to 13 June 1997. According to the information received, she was mostly held at the Lmakahawe detention centre in Addis Ababa, although she is said to have also been detained for short periods at the Tenth Police Station (in September 1996) and at Police Station N4 Region (from January to May 1997). It is believed that she was arrested on suspicion of being a Russian spy. During each period of detention, she was allegedly ill-treated and severely beaten and kicked. She was also threatened with death with a pistol. Her arms and legs were reportedly bound with plastic wire for several days at a time. She was reportedly kept either in an overcrowded cell, or in isolation in a small dark cell, during which time her access to sanitary facilities is said to have been extremely limited. She was eventually taken to hospital on several occasions, but was allegedly denied medical treatment. She was reportedly unable to register a formal complaint.

439. Ato Tamene Koyira, a civil servant from Soddo Zuria, Southern Region, was reportedly arrested on 27 June 1997. According to the information received, he had complained about disciplinary measures taken against him at work. During his detention until 5 September 1997, he was allegedly beaten for four consecutive days. He was then reportedly taken to a prison where he spent one year before being brought to a judge. He was eventually released on 22 June 1998 by order of the Public Prosecutor, who reportedly rejected the police charges against him.

440. Assefa W/Semait, a priest in Berehet Wereda, North Shewa, was reportedly arrested on 26 August 1998 by two policemen on suspicion of stealing tabot, a holy arch. He was reportedly taken to the police station where he was detained for 15 days. He was then released by court order. A month later, he was reportedly re-arrested and taken to the Wereda police station where he was allegedly severely beaten, in particular on the soles of his feet. His hands were also allegedly tied in his back. As a result, his hands are reportedly now paralysed.

Urgent appeals and replies received

441. On 16 September 1999, the Special Rapporteur sent an urgent appeal on behalf of Mossisa Duressa, the local chairperson of the Ethiopian Red Cross Society in Nekemte, Oromia region, Tassev Begashaw, a medical doctor working for

the private Tarika Clinic in Addis Ababa, and Mulugetta Tirfessa Tufa, an insurance company employee. The three were reportedly held in incommunicado detention. Mossisa Duressa was reportedly arrested on 15 August 1999 by security officers in Nekemte on suspicion of membership of the Oromo Liberation Front (OLF). He is diabetic and requires daily insulin injections. Tassev Begashaw had reportedly been arrested on 15 August 1999. He was reportedly accused of giving treatment to OLF suspects. He was reportedly currently held in incommunicado detention at Maikelawi criminal investigation centre in Addis Ababa. Mulugetta Tirfessa Tufa had reportedly been arrested on 19 August 1999 in Addis Ababa and was reportedly held in incommunicado detention at Maikelawi criminal investigation centre in Addis Ababa. At the time of his arrest, he was still receiving medical treatment for a leg injury in 1992.

France

Regular communications and replies received

442. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information on the following cases.

443. Chinese asylum-seekers who arrived by boat in New Caledonia, particularly Nouméa, in early November 1997 were allegedly arrested and held, first in a former clinic and then in the military hangars at Tontouta airport. They reportedly submitted their applications for refugee status on 12 January 1998 but were kept in detention until March 1998. On 22 March 1998, hearing that they were to be deported, about sixty of the asylum-seekers reportedly sought refuge on the hangar roofs. About one hundred officers of the immigration police (DICCILEC), who had travelled from Paris to oversee the return of the asylum-seekers, and members of mobile gendarme units allegedly fired on them with rubber bullets after stones and other projectiles were thrown in retaliation for the tear gas used by the security forces. Nine men were reportedly injured and taken to Gaston Bourret hospital in Nouméa. Two are said to have serious injuries, one on the face and the other on the thorax. A few hours later, the authorities decided to postpone the deportation and to release the asylum-seekers.

444. Narendran Yogeswaran, Naddarajah Vijeyalalitha and Mylvaganan Arunan, three Sri Lankan asylum-seekers, were reportedly beaten and handcuffed, kicked and gagged with cellophane tape in September 1998 at Roissy airport while being deported by the police. An internal administrative inquiry by the Immigration Police (DICCILEC) was reportedly ordered, but at the end of 1998 its results were still unknown. The Director of the Immigration Police allegedly stated that only the force strictly necessary to restore calm had been used. The three asylum-seekers were finally sent back to Sri Lanka.

445. Sixteen trade union members were allegedly beaten and kicked while protesting nuclear tests in Papeete in September 1995. They were reportedly forced to remain for 45 minutes on their knees, handcuffed and with their faces to the ground, in a parking lot near the military barracks of Papeete. One of them was allegedly hit with a truncheon and lost consciousness. He is said to have been taken to hospital, where he was treated for incipient paralysis of the right side. An inquiry has been ordered.

446. Abdlekrim Boumlik, a young man of Moroccan origin aged 16, was reportedly arrested at Soisy-sous-Montmorency by the anti-crime brigade on 7 April 1996

while riding a motorbike without a helmit. He was allegedly punched, struck with a truncheon and subjected to racial epithets. Together with a friend who was riding with him, he was reportedly handcuffed, forced to kneel and threatened and insulted. He is said to have been detained for nearly 12 hours at the Enghien-les-Bains police station, although neither his family nor a lawyer was informed. He reportedly received no treatment. A policeman is said to have ordered him to say he had refused to see a lawyer and had hurt himself in a fall. A medical report dated 8 April from Emile-Roux hospital in Eaubonne nevertheless seems to substantiate his allegations. His parents have submitted a complaint to the Pontoise examining magistrate.

447. Ahmed Hamed, an Egyptian lawyer, was reportedly mistreated on a visit to France on 16 October 1997 by four policemen who apparently mistook him for someone else. While in Puteau in the Paris environs, he was allegedly forced into a car parked on the street. Fearing a kidnapping, he resisted and was then reportedly struck, his tibia in fact being fractured. He was not examined by a physician until ten hours after his arrest. He was ultimately admitted to Foch hospital, where he underwent surgery. On 20 October 1997, the Egyptian ambassador in Paris reportedly wrote to the French Minister of the Interior to demand an investigation, but the investigation ordered on 22 October 1997 was solely administrative.

448. Djamel Bouchareb was reportedly mistreated by police officers at Fontainebleau, in the Paris environs, in December 1997 at the time of the death of his friend, Abdelkader Bouziane, who was allegedly killed by police officers while trying to break through a roadblock. Djamel Bouchareb was reportedly in the same vehicle. He was allegedly beaten and kicked and his head slammed on the ground. He is said to have been taken to hospital by a physician who was present at the scene. A judicial investigation has allegedly been ordered. According to information received recently, the police officer accused of using excessive force against Mr. Bouchareb is about to be tried in correctional court.

449. Claude Serre, an elderly cartoonist, is said to have been severely berated by a police officer over a parking matter when he was lunching in a Paris restaurant in March 1998. He was reportedly handcuffed and taken away in a van, where he was subjected to ill-treatment. A medical report allegedly confirmed his statements and indicated a number of contusions. He has reportedly filed a complaint with the Bobigny court.

450. Tarek Sãid, an Egyptian restaurateur in Bagneux, was reportedly mistreated in Paris in October 1998 by police officers to whom he had appealed for assistance following an altercation with transportation officials. He was allegedly taken to the police station on rue Marcadet, where he was beaten and kicked, choked, began to spit blood and lost consciousness. He was then reportedly taken to Hôtel-Dieu hospital before being brought back to his cell. According to a medical certificate, he had a broken thumb, injuries to the left eye and right arm requiring surgical intervention and a ruptured eardrum. An investigation has reportedly been instituted.

Follow-up to previously transmitted communications

451. By letter dated 8 January 1999, the Government responded to the complaint transmitted by the Special Rapporteur on 8 August 1996 concerning clashes between security forces and trade unionists at Faa'a airport in Tahiti in September 1995 (see E/CN.4/1997/7/Add.1, paras. 157 and 158). The Government

indicated that on 20 October 1998, the Papeete Correctional Court handed down its decision in the so-called Faa'a urban violence case. The persons mentioned by the Special Rapporteur in his communication had been found guilty, and three of them had been sentenced. Concerning the complaint filed by Henri Temaititahio against person or persons unknown for bodily harm and gross negligence at the time of his questioning, which 12 other people have joined in submitting, the Government indicated that an investigation has been undertaken. Medical expert analysis revealed that Mr. Temaititahio had sustained traumatic injuries resulting in temporary work incapacity of ten days' duration and that Jean-Michel Garrigues had undergone craniofacial traumatism without loss of consciousness. No long-term effects of the events in question had been observed, however. The police officers, who testified under letter of request, disputed the claims of ill-treatment but acknowledged that they had acted with firmness in view of the circumstances. On 30 June 1998, the examining magistrate ordered the case dismissed on the grounds that the inquiry failed to attribute the violent acts to the law enforcement agents. The Government indicated that that order had been appealed and that, by a ruling dated 1 September 1998, the Court of Appeals had ordered supplementary investigations, which were now being carried out.

452. By letter dated 3 February 1999, the Government responded on the final case cited in the communication of August 1996 (see E/CN.4/1997/7/Add.1, para. 159). It informed the Special Rapporteur that the sergeant and two policemen accused of deliberate acts of violence against Sid Hamed Amiri had been removed from office by ministerial order dated 23 March 1998. On 25 March 1998, all three had been given a suspended sentence of 12 months' imprisonment by the Aix-en-Provence Court of Appeals and were definitively disqualified from serving as police officers. One of the police officers has applied for judicial review of the case.

Georgia

Regular communications and replies received

453. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information according to which beatings and ill-treatment have been reported in the army, which, together with poor living and sanitary conditions and brutal hazing, are said to have caused many desertions. New recruits in particular are allegedly subjected to brutal treatment, including severe beatings. Army officers are said to frequently consent and/or participate in such practices. They are believed to condone these practices as a means of maintaining discipline.

454. The Special Rapporteur has received information on the following individual cases.

455. Aka Sulava, a journalist and human rights activist, was allegedly severely beaten on 1 February 1999, by four unidentified assailants. It is believed that these assailants were supported by the Tbilisi police, as the victim had already been threatened in connection with exposing several cases of police violence. As a result, he reportedly sustained severe injuries to his legs, back and head. The police have reportedly refused to open an investigation.

456. Joseph Topuria was reportedly verbally abused and then beaten by a traffic inspector in Tbilisi on 26 September 1997. He was allegedly severely beaten again on the same day by the deputy head of the Tbilisi City Police Traffic Department, after having lodged a complaint with the police. A doctor who examined him two days later is said to have recorded a dislocated jaw and other marks consistent with his allegations. According to the information received, the Isani District Procurator's Office refused to open an investigation.

457. Badri Tsindeliani is said to have been detained in the police station at Tsnori on 27 September 1997, where he was allegedly beaten and kicked on the head, body and soles of his feet. Seven police officers are alleged to have taken part in the beatings, which are said to have lasted four hours. A subsequent medical examination reportedly found that he suffered concussion and injuries to his eye and ear which were consistent with his allegations.

458. Gogi Shiukashvili was reportedly detained on 25 January 1998 by police from Gldani district, Tbilisi, on suspicion of stealing wheels. According to the information received, he was allegedly beaten with truncheons for 15 days, to the extent that he was virtually unable to move. He allegedly lost consciousness for several hours and trembled at night. His nose was reportedly broken and he is said to be suffering from severe headaches.

459. Malkhaz Kamsiashvili is said to have been severely beaten both when he was taken into custody and subsequently at the City Police Administration, on 19 February 1998. According to the information received, he was made to stand naked in freezing water and was hit repeatedly on the stomach in an attempt to force him to confess. As a result, he sustained several injuries which were treated at the Republican Hospital for prisoners. A medical examination regarding his allegations was reportedly arranged only 20 days after his injuries were sustained.

460. Sergo Kvaratskhelia, a stone carver, was reportedly severely beaten by a crowd in the Georgian town of Tsalendijikha on suspicion of having defiled a grave from which he allegedly stole money and drugs. He reportedly spent three days in hospital, from which he was allegedly abducted by the crowd. The local district police is said to have called the regional police station for assistance, which reportedly sent a contingent of some 40 armed officers. But a crowd of some 20 people reportedly tortured him to death and mutilated him after the head of the district administration reportedly refused to let the police intervene in the events, allegedly saying: "Do not interfere, these people know what they are doing". The heads of the district and regional police are also said to have been present at the time. The former is said to have then been removed from his post after a protest meeting in Tsalendijikha in the following days, and the latter was reportedly dismissed in connection with another incident. The head of the district administration is reportedly still in post.

461. Levan Gagua, aged 17, was reportedly detained on 16 March 1998 by police officers from the Saburtalo district of Tbilisi on suspicion of murdering his step-mother. He was reportedly taken to the second floor of the Saburtalo district police station where he was allegedly threatened with rape unless he repeated everything a policeman was telling him to say, in the presence of a lawyer. Later that night, police officers allegedly drove him to the bank of a river where they again threatened to rape and shoot him, claiming that he had tried to escape. He was later transferred to the Tbilisi City Police

Administration, where he is said to have been tortured by passing electric current through wires attached to his fingers. He reportedly confessed in writing to murdering his step-mother after five days. An investigation is said to have been opened into his allegations.

462. Jemal Teloyan, a Kurd, was reportedly arrested on 6 May 1998 by four plainclothes police officers from the Gldani district of Tbilisi near the Akhmeteli metro station. He was reportedly taken to Gldani district police station, where he was allegedly severely beaten and punched while an officer sat on him as he was lying on the floor. He was reportedly accused of possessing a gun at home that he should bring to them. It is alleged that the officers then approached his mother, whom they knew worked as a trader near the Akhmeteli metro station, brought her to the police station and demanded that she bring money to obtain her son's release. The sum mentioned was US$ 1,000. The mother is said to have raised a sum of money and handed it over to the officers, whereupon Jemal Teloyan was released. Two of the four police officers involved allegedly visited him at home several times after his release and made verbal threats against him in order to force him not to report the incident. He reportedly subsequently went into hiding. Officials from the Ministry of Internal Affairs reportedly visited the family after his father submitted a written complaint.

463. Jaba Ioseliani, head of the now disbanded paramilitary Mkhedrioni (Horsemen) organization, and 14 other defendants were reportedly on trial in December 1997 for a range of offences, including involvement in a failed assassination attempt on President Eduard Shevardnadze in August 1995. Thirteen of the defendants are said to have claimed that they were beaten or otherwise ill-treated during interrogations in pre-trial detention. Gocha Gelashvili is reported to have suffered two broken ribs and a broken right arm, allegedly as a result of the torture he was subjected to. Gocha Tediashvili allegedly had his teeth pulled with pliers and explosive material placed in his mouth, which was only removed when he agreed to confess as instructed by the investigators. A court-ordered forensic medical examination of five of the defendants was reportedly carried out at the beginning of the year. Although certain injuries were recorded at the investigation, such as the fracture of Gocha Gelashvili's right arm caused by the impact of a heavy blunt object, conclusions as to the circumstances surrounding the injuries were reportedly not drawn, owing to, amongst other things, the passage of time since the injuries were said to have been sustained.

Germany

Urgent appeals and replies received

464. On 5 March 1999, the Special Rapporteur sent an urgent appeal on behalf of Mohammed El-Ayachi, a former member of the Algerian army who was said to have deserted because of alleged violations of human rights. His request for asylum is said to have been conducted in the transit zone of the Frankfurt-am-Main airport according to special procedure rules. His request is believed to have been rejected on 23 September 1998 because it was manifestly ill-founded. He was reportedly awaiting imminent deportation. On 9 October 1998, the administrative tribunal of Frankfurt-am-Main declared inadmissible his request for a stay of implementation of the deportation order pending the determination of his appeal, reportedly because of a delay in the submission of this request by his lawyer.

465. On 6 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Ali Reza Kalantri, an Iranian national who was reportedly facing imminent and forcible repatriation on 10 August 1999 from Frankfurt Airport on a Lufthansa flight to Iran, where he may have been at risk of torture. His applications for refugee status were reportedly rejected by the German authorities and he was forced to sign a document from the Iranian Consulate in Munich agreeing to return to Iran. He was reportedly arrested by the police in Cologne on 20 June 1999 while he was protesting against the Government of Iran.

466. On 11 November 1999, the Special Rapporteur sent an urgent appeal on behalf of Fathelrahman Abdallah, a Sudanese asylum seeker and active member of the opposition Democratic Union Party of Sudan who was said to be facing imminent and forcible repatriation to the Sudan, where he may have been at risk of torture. The German authorities had reportedly attempted to return him forcibly three times in September, October and November 1998, after his asylum claim was first rejected. All these attempts were reportedly abandoned when he put up strong resistance. He was allegedly ill-treated by police officers during the second and third attempts. At the time the urgent appeal was written, he was being held in a detention facility in Nuremberg, pending his deportation. His doctor, who was not able to see him, reportedly diagnosed an acute heart problem and depression and believed that he should not be deported. However, the Bavarian authorities have reportedly issued a deportation order, to take effect on 12 November 1999. His lawyer is reported to have filed an appeal to the court of Ausbach pending a decision on the merits of his case.

Guatemala

Regular communications and replies received

467. By letter dated 12 October 1999, the Special Rapporteur transmitted to the Government information on Lorena Carmen Hernández Carranza and Nery Mateo Hernández, street children aged 15 who were sleeping in a park at the intersection of Avenida 15 and calle 3 in Zone 2 of Guatemala City on 11 February 1999 when they were awakened and beaten by members of the Civil Police Force (PCN). The dress of the officers showed them to be part of the Special Police Force, an élite unit within the PCN. They allegedly threw the youngsters to the ground and told them to undress, then told Nery Mateo Hernández to turn around while they sexually abused Lorena Carmen Hernández Carranza. Afterwards they reportedly ordered them to get dressed and leave, saying they would come back the next day to "bring them marijuana". The Casa Alianza Legal Aid Office reportedly took the youngsters to lodge an oral complaint on these events with the Office of the Public Counsel-General and the Office for Professional Responsibility of the Civil Police.

Follow-up to previously transmitted communications

468. By letter dated 26 May 1997, the Special Rapporteur transmitted to the Government a number of alleged cases of torture in Guatemala. By letter dated 29 October 1998, he reminded the Government of cases on which it had supplied no information. By letters dated 14 and 21 December 1998, the Government provided responses on the cases, as outlined below.

469. Rosa Eswin el Ruiz Zacarías, Edwin Tulio Enríquez García and Belarmino González de León were reportedly detained and tortured on 13 March 1997 by a group of armed men in civilian dress in Villa Nueva, Guatemala department (see

E/CN.4/1998/38/Add.1, para. 146). The Government indicated that charges had been brought before the District Government Prosecutor's Office in Amatitlán, Guatemala department. It should be kept in mind that the manager of the enterprise where these persons worked and were detained had hired private investigators to look into the theft of 17 industrial machines on 7 March 1997. No medical examination of the workers was carried out and no judicial determination had yet been made regarding those responsible for the alleged actions.

470. Luis Alfredo Bonilla Juárez, a street child aged 17, was reportedly detained and tortured in Guatemala City on 18 March 1997 by two police officers (see E/CN.4/1998/38/Add.1, para. 145). The Government indicated that the Office for Professional Responsibility of the National Police had carried out preliminary investigations and that the case was now before the Government Procurator's Office for Administrative Offences. The Criminal Court of First Instance for Drug-related Activities and Environmental Offences was in charge of the investigation, and preliminary steps were under way. The police officers who made the arrest had been identified. No medical examination had been carried out because, as the Deputy Chief, Second Corps, of the local police station had indicated, the young person had suffered no injuries. No responsibility had yet been attributed.

471. In his letter dated 29 October, the Special Rapporteur also transmitted to the Government other cases of torture allegedly committed in Guatemala.

472. By letter dated 14 December 1998, the Government provided the responses described below.

473. Martín Pelicó Coxic was reportedly kidnapped, tortured and executed in June 1995 by a military commissioner and two members of the Civil Defence Volunteers Committees (CDVC) who had been arrested but released in July 1996 for lack of evidence (see E/CN.4/1999/61, para. 281). The Government indicated that an investigation was being carried out by the National Police through the Criminal Investigation Service of the Government Procurator's Office. The El Quiché second Criminal Court of First Instance for Drug-related Activities and Environmental Offences was in charge of the investigation. Forensic medical examination pointed to multiple injuries on the body of Martín Pelicó Coxic. Arrest warrents had been issued for the three individuals implicated in the case and operations had been carried out in the town of San Pedro Jocoopilas, El Quiché department, in order to serve the warrants, but the accused had left the area and their whereabouts were unknown. The investigation was continuing.

474. Mario Alioto López Sánchez allegedly died from a shot fired by security forces, including agents of the Immediate Reaction Force, during a demonstration on 11 November 1994 at the University of San Carlos (see E/CN.4/1999/61, para. 283). The Government indicated that the police had intervened because of serious incidents and public disturbances caused by the demonstration, including the burning of a number of public transport buses. Those presumed responsible for the death of the student, Mario Alioto López Sánchez, had been brought to trial. On 30 July 1997, the third Criminal Court for Drug-related Activity and Environmental Offences had handed down a coercitive judgement against a former Minister of the Interior, a former Vice-Minister of the Interior, a former Director-General of the Police and a police officer for the crimes of intentional homicide and severe and minor bodily harm to a third party. A sentence of 30 years' imprisonment had been imposed upon a former chief of the

Fifth Corps of police on grounds of murder and severe and minor bodily harm. Another of the accused had been acquitted and the whereabouts of one of those implicated in the case remained unknown. On 28 October 1997, the fourth Chamber of the Court of Appeals had partially voided the earlier decision and acquitted all the accused except the former chief of the Fifth Corps of police, whose sentence was reduced to 10 years' imprisonment. Judicial review proceedings are under way. No financial compensation has been granted in the case, because there have been no means of substantiating the damages and injuries, the plaintiffs having merely cited a sum.

Guinea-Bissau

Regular communications and replies received

475. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information on the following cases.

476. About twenty people were reportedly detained by the military in February 1998 and accused of arms trafficking. They are said to have been beaten with truncheons. Four of them allegedly suffered partial paralysis: Filipe Manga of the left hand, and the others, including Lamine Djata of Senegal, of the legs.

477. Samba Djalo, a member of the Junta Militar, was reportedly arrested in Judgul in late June 1998. He is said to have later escaped from prison and to have testified that soldiers stuck needles into his penis at the time of his arrest.

478. Armando Bion was allegedly arrested in Bissau in September 1998 and accused of espionage for the Junta Militar. Soldiers reportedly struck him with their rifle butts.

479. Asumane Fati, a member of the political opposition party União para a Mudança, was reportedly arrested on 4 July 1998 for having criticised the President of the Republic and was taken by a soldier to a cell in the central police station. There he is said to have been struck all over the body with a military belt, his ear reportedly being torn. He is said to have been released soon thereafter. He was allegedly treated in this manner for having started a petition calling for a halt to the fighting in Guinea-Bissau.

480. By letter dated 8 November 1999, the Special Rapporteur reminded the Government of a number of cases he had transmitted in October 1998 regarding which no response had been received.

Urgent appeals and replies received

481. On 6 January 1999, the Special Rapporteur transmitted an urgent appeal jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention concerning Alpha Conde, a member of the National Assembly and currently president of the Rassemblement du Peuple de Guinée, who had been a presidential candidate in the elections of 14 December 1998. He was reportedly arrested on the night of 15 December by members of the Presidential Guard and has allegedly been kept ever since in incommunicado detention in an unidentified location, although it appears that he is being detained at Koundara military camp.

Haiti

Regular communications and replies received

482. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information on the following cases.

483. Pierre-Yvon Chéry, director of Radio Télédiffusion Cayenne, was reportedly arrested on 2 September 1997 at the Les Cayes radio station by 15 members of the Compagnie d'intervention et de maintien d'ordre (CIMO). They allegedly struck him with the butts of their guns and fists during his arrest and while he was in detention. He was reportedly released the next day without having been charged. The three police officers accused of severe ill-treatment reportedly failed to present themselves before the court on 6 November 1997. It has been impossible to determine whether a police investigation was carried out.

484. In February 1998, members of various specialized police units reportedly intervened in clashes between local police and the population of Mirebalais. On 5 February, the police allegedly arrested two people, including a member of the organization Operayson Mèt Lòd nan Dezòd (OMLD). About fifty people, the majority of them members of the organization, reportedly demonstrated in front of the police station where he was detained. Shots were allegedly fired; a passerby was fatally injured and another seriously wounded and fighting broke out. The demonstrators are said to have burned cars and threatened the local police chief with a machete. Three hours later, members of the CIMO and of the Haitian Police Intervention Group (GIPNH) reportedly arrived together with the Director-General of the National Police, the Secretary of State for Public Security and a team from the Hinche Departmental Unit for the Maintenance of Order (UDMO) for the purpose of restoring order. The security forces allegedly arrested many people, particularly OMLD members, in Mirebalais, Lascahobas and Saut d'Eau, during the night and without warrants. Most of them were beaten at the time of their arrest and during their detention at the Mirebalais police station. At least three people had to be hospitalized as a result of these events. A number of commissions of inquiry, including ones set up by the Criminal Investigation Service at Port-au-Prince and by the Parliamentary Committee on Human Rights, were reportedly sent to the scene of the events. The results of these inquiries are not known to the Special Rapporteur.

485. By letter dated 8 November 1999, the Special Rapporteur reminded the Government of a number of cases he had transmitted in September 1998 regarding which no response had been received.

India

Regular communications and replies received

486. By letter dated 19 November 1999, the Special Rapporteur advised the Government that he had received information alleging routine torture in detention facilities throughout the country. The police and jailers allegedly torture or ill-treat new prisoners to obtain money and personal articles. Police are reported to torture detainees frequently during custodial detention. Further, the Special Rapporteur has transmitted to the Government numerous allegations that military and paramilitary forces in the north-east have engaged in arbitrary detention, abduction, torture, including rape, and extrajudicial

executions. Finally, police have allegedly used excessive force in breaking up demonstrations, leading to several deaths.

487. The Special Rapporteur transmitted the following individual cases.

488. Murshi Ali was reportedly killed in Baghat Barzalla, Srinagar by security forces on suspicion of having received guerrilla training in Pakistan. He was reported missing by his father on 17 May 1998 after he failed to return home from work the previous day. The police informed the father that his son had crossed the line of control into Pakistan for guerrilla training. On 24 May, the police returned to his family his body, which allegedly bore signs of torture.

489. Mohammad Ramzan Wani was reportedly arrested on 13 June 1998 at his home in Nai Bagh, Tral district, in the presence of his family, by members of the Special Operations Group of the Jammu and Kashmir police. A day later his dead body, allegedly showing bullet holes and marks of torture, was handed over to family members.

490. Hari Shankar Pal was reportedly beaten to death after his arrest on 8 December 1997 by the Hauz Kazi police. Ater two days of alleged abuse, the police took him to the Ram Manohar Lohia hospital, where he was pronounced dead on arrival. The National Human Rights Commission has reportedly ordered an investigation into his death.

491. Yumlembam Sanamacha, aged 15, is reported to have disappeared following his arrest by members of the 17th Rajputana Rifles in February 1998 from his home in Angtha village, Manipur. He was allegedly forced to lie face down on the ground with his arms out straight and he was then beaten by army personnel. An iron instrument was placed on the soles of his feet which caused his entire body to shake violently. The authorities initially denied that he had been arrested, but then said that he had escaped from custody. The central Government has allegedly taken steps to prevent the state government from investigating the case.

492. Mohammad Ashraf Bhat and his wife Shamima Bano were reportedly asked to report to members of the Special Operations Group camped in Humhama District Budgam, Kashmir, on 20 November 1998. Shamima, who was six months pregnant, was allegedly subjected to electric shocks for approximately 15 minutes while being interrogated. As a result, the foetus reportedly died in her womb. Her husband was then called into the same room and, in the presence of his wife, subjected to electric shocks and hung from the ceiling with his hands tied behind his back. She was subsequently admitted to the Lala Ded Hospital for Women in Srinigar.

493. Rafiqa was reportedly interrogated about her brother at her home in Malangam Bandipora on 11 December 1998 by six jawans of the 14th Rajputana Rifles camped in Malangam. When she was unable to provide the soldiers with any information, they allegedly beat her for approximately 30 minutes. As a result of the beating, one of her legs was reportedly fractured.

494. Marimuthu, Jayaseelan and Madurai Veeran were reportedly detained on charges of theft by police in Kodaikanal, Dindigul-Anna district on 21 June 1999, and interrogated for two days, during which time they were allegedly severely beaten. Madurai Veeran was released on the evening of 22 June, while the other two remained in custody until the morning of 23 June. Marimuthu's

right eye was allegedly severely injured and he was reportedly taken to a private hospital the following day, where he was declared dead upon arrival. His body was reportedly covered with wounds. A post mortem examination was performed on 23 June, but as of 28 June no report had been issued to the local officials, despite the fact that regulations require a report to be issued within 24 hours. A senior police official reportedly proclaimed before a crowd that he would file murder charges against the police constables involved, but the police reportedly refused to comment later when questioned on the matter.

495. Ghulam Mohmmad Guru was reportedly arrested in November 1995 by members of the Border Security Forces (BSF) and Renigades camped at Karangar Srinagar and taken to the Karan Nagar interrogation centre. During interrogation, he was allegedly severely beaten on the head and nose and lost consciousness for four days. He was reportedly subsequently transferred to an interrogation centre known as "Papa Two" where he was detained for a few months and subjected to further torture. As a result, he was reportedly paralysed on one side of his body. From "Papa Two", he was transferred to Court Bilwal Jail and then Udhampor. No medical treatment was provided to him until he was taken to Jammu Hospital. From there he was shifted to Rangrate Jail and finally released on 4 April 1998. He is now reportedly completely disabled.

496. Ali Mohammad Bhat was reportedly taken from his home on 15 December 1998, by members of the 15th Rajputana Rifles, to the Watlub Bandipora camp for interrogation about the possession of a gun. During this period, his father went to the camp and was allegedly arrested and subjected to torture. He is reported to have then taken members of the Rajputana Rifles to his home to search for the weapon. When they were unable to find any weapons, they threw Ali Mohammad from the third storey of his house. He suffered a broken leg and arm and injuries to his head. He was transferred to the Bone and Joint Hospital, Barzulla Srinagar.

497. Nazir Ahmid Hajam was allegedly arrested in the Tehsil Sonawari district, Baramullah, by members of the Indian army camped at Manasbal Safapora, on 16 January 1999. He reportedly died in custody at the camp, allegedly as a result of torture. His body was taken to the village of Chewa and fired upon indiscriminately to make it appear as though he had been killed in a fight.

498. Y. Mani, Vice-President of the All Manipur United Clubs Organization (AMUCO), which has recently protested human rights violations in the state, was allegedly arrested at his home by security forces of the 32 Rashtirya Rifles on 16 April 1999 and taken to the local army camp, where he was accused of belonging to the Revolutionary Peoples Front (RPF). He was allegedly beaten on his entire body, including his head and face, with a wooden stick, and on his back with an iron chain. He reportedly needed to be hospitalized for two days as a result of his injuries.

499. In the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 and 1998, in relation to which no replies had been received.

500. By letter dated 22 November 1999, sent jointly with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur advised the Government that he had received a number of individual cases of alleged rape which are summarized below.

501. Bina Das was reportedly raped and killed by two members of the Border Security Force (BSF) in Thamana on 17 July 1998. She was then allegedly stabbed with a moida, a traditional knife used for dressing fish and cutting vegetables. After hearing her screams, neighbours found Bina Das on the floor and before she died she was reportedly able to relate what had occurred. Although her husband reportedly filed a complaint at the Dumuni police outpost of Barbari police station, the two BSF members identified were not charged. The husband's family and relatives were detained and allegedly subjected to torture.

502. Urbashi Rava, Basavi Rava, Suni Rava and Damshri Rava were reportedly raped by Central Reserve Police Force (CRPF) personnel during an army operation in the village of Amlaiguri in Kokrajhar district on 11 January 1997. After the incidents of rape, the victims were threatened not to disclose the incidents. Despite protests by various local organizations, no action was reportedly taken to investigate the matter.

503. Tulumoni Devi was allegedly gang raped by eight soldiers stationed at the Barapujia Army camp on the evening of 24 April 1997 in Kopahera Ghumatigaonin Marigaon district. The eight soldiers forcibly entered her residence during an operation to cordon off the residence of Bhabananda Choudury, who was detained for questioning about his brother Bul Choudhury, a ULFA activist. Tulumoni Devi was admitted to the district civil hospital and her husband filed a complaint at the Mikirbheta police station. Later, the soldiers reportedly threatened the villagers when they learned that a case had been filed. Women from 40 local villages held a rally on 27 April and presented a petition to the Deputy Commissioner, Marigaon, demanding a judicial inquiry. No further action has reportedly been taken.

504. Tarulata Pegu was allegedly repeatedly raped on 10 May 1997 in the village of Jonai, Dhemaji district, by a group of Indian army personnel searching for ULFA activists. Her husband filed a case at Jonai police station and she was examined at the hospital. Although one defendant was named in the complaint, neither the police nor the civil administration reportedly took any steps in the matter.

505. Santhali Bodo, aged 17, and Rangeela, aged 15, where allegedly raped on 21 May 1997 by army personnel of the 16 Rajput Regiment operating in the Tamulpar police station area in Nalbari district. The following day they are alleged to have entered the house of Dayaram Rava and raped his daughters Runumi, aged 16, and Thingigi, aged 17. Samashri, aged 13, Janthari, aged 14, and Ambe, aged 13, were allegedly raped in their respective residences. Although a case was filed in the Tamulpur police station, no investigation was reportedly carried out.

506. Minoti Bala Rai and Dura Rai, aged 18, were allegedly raped in the village of Kasidoba by CRPF personnel on 23 May 1997. The Indian army and CRPF had reportedly raided the area in search of United Liberation Front of Assam (ULFA) militants following an ambush by ULFA, in which two CRPF personnel were killed. A group of army men allegedly entered the home of Minoti Bala Rai and raped her. Dura Rai was caught while trying to flee the village and taken into nearby jungle where she was raped until she became unconscious. The Bangaigaon police station and the District Administration reportedly refused to register any case.

507. Mamoni Koch, aged 12, was allegedly raped in the village of Komarchuburi in Sontipur district on 25 May 1997 by two soldiers belonging to the 25 Punjab regiment stationed at Dhekiajuli Industrial Centre. The soldiers kicked the young girl's grandmother when she tried to defend her granddaughter, and then raped the grandmother. The father of the victim made a complaint to the officer-in-charge of the operation. The officer reportedly summoned his regiment and one of the perpetrators was identified by the victim in his presence and in the presence of the villagers. The father also filed a report at the Dhekiajuli police station. The report was reportedly examined by a Chief Judicial Magistrate.

508. Jamuna Sargiary was allegedly raped by a member of the CRPF at her residence in Langhin Goraimari village in Karbi Anglong district on 30 July 1997. The soldiers who had entered several residences in search of militants, allegedly struck Ramakanta Sargiary, her husband, on the head and chest, knocking him unconscious. The soldier then allegedly raped her. The police reportedly refused to register a complaint made by the victim the following day, allegedly stating that it was then too late to register the complaint.

509. Dulumaya Tamang and Sandimaya Tamang, two 12-year-old sisters, were allegedly raped by two policemen at their home in the village of Jayrampur Saygharia in Dhemaji district on 4 August 1997, by two plain-clothes policemen. The officer at Bordoloni police post allegedly refused to register the complaint and did not take any steps to have a medical examination of the victim. A group of policemen returned to the house of the family on 28 August and reportedly beat the father for filing a complaint. Sandimaya Tamang was then allegedly again raped. The district administration has reportedly refused to take action.

510. Kalpana Das Kakoti was allegedly raped by soldiers of 13 field Regiment Commandos in the village of Patasali Bangaon Chariduwar in Sonitpur district. She reportedly lost consciousness as a result of the gang rape. Family members filed a complaint at Rangapara police station and she was admitted to hospital. She reportedly required seven stitches to close the tear that resulted from the rape. She was produced before the Chief Judicial Magistrate, who ordered the recording of her and other villagers' statements. The police alleged that she had been raped by members of the village.

511. Tukheswari Rava was allegedly raped by personnel of the 109 BSF on 14 January 1998 in Mulagon village. The Bangaigaon police station registered a case and the district administration ordered a magisterial enquiry.

512. Dimola Doimary was allegedly raped by soldiers of No. 2 Madras Regiment in No. 2 Bhalukmari village in Darang district on 10 March 1998. A complaint was registered by the Udalguri police and her statement recorded by a magistrate, but she was not sent for a medical examination until 18 March 1998.

513. Anjali Basumatary was allegedly raped by soldiers of the No. 2 Madras Regiment in No. 2 Bhalukmari village on 10 March 1998.

514. Khandi Doimary, Anita Khakhlary and Rina Khakhlary were allegedly raped by soldiers of the No.2 Madras Regiment in the village of Sonari Khawang Gaon in the Darrang district on 11 March 1998.

515. Monaishry Doimary was allegedly raped by soldiers of the No. 2 Madras Regiment stationed at Rowta in the No. 2 Bhalukmari forest village on 14 March

1998. Family members of the victim submitted a memorandum to the district magistrate on 12 March 1998 requesting an investigation, but there has been no information on the progress of the investigation.

516. Nbiari Dolmary was allegedly raped by soldiers of No. 2 Madras Regiment stationed at Rowta in Hatkhula village in Darrang district on 14 March 1998. Neighbours reportedly lodged a complaint with the Udalguri police station the next morning and she was sent for a medical examination on 18 March 1999.

517. Lilawati Baishya was allegedly raped by members of the 313 Field Regiment in the village of Paikarkuchi in Nalbari district on 16 July 1998. Soldiers came to the home of Dharani Baishya, Lilawati's husband, and pulled him out of the house and beat him severely along with his small children while two of the soldiers inside the house stripped Lilawati Baishya and tortured her. One of the soldiers allegedly sat on top of her and bit several parts of her naked body. Then the two soldiers raped her repeatedly. As they left, they allegedly threatened her not to lodge any complaint concerning the gang rape.

518. Bina Baishya was allegedly raped by members of the 313 Field Regiment in the village of Paikarkuchi in Nalbari district on 16 July 1998. The soldiers reportedly threatened the family and the victim not to lodge any complaint.

Urgent appeals and replies received

519. On 9 February 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Zahoor Ahmed Khanday, aged 15. He had reportedly been taken from his parents' house in the village of Maloora, near Srinagar, by members of the Special Operation Group (SOG), a branch of the State police, on 2 February 1999. On 3 February, the SOG reportedly denied that he was in their custody. On 4 February, his parents unsuccessfully tried to file a First Information Report at Parimpor police station to record their son's "disappearance". On the same day, his uncle is reported to have visited the SOG headquarters at Hafthchinar, Cargo Complex, where SOG officials apparently admitted that they were holding him. The Government replied on 12 August 1999 that Zahoor Ahmed Khandey, son of Mohammed Ramzan Khandey, was apprehended by the Special Operation Group of the Jammu and Kashmir police on 2 February 1999 on suspicion of involvement in a case concerning his brother Bashir Khandey of the shooting a Jammu and Kashmir police constable at Baramaloo. The Government further reported that after preliminary questioning, he was released on 5 February 1999 and was currently staying at his house.

Follow-up to previously transmitted communications

520. By letter dated 22 March 1999, the Government replied to an urgent appeal sent by the Special Rapporteur on 10 July 1998 (see E/CN.4/1999/61, para. 311) and two cases transmitted to the Government by the Special Rapporteur by letter dated 11 November 1998 (see E/CN.4/1999/61, paras. 293 and 300). In relation to the urgent appeal, the Government replied that Bimal Kanti Chakma was arrested on 6 July 1998 by the police officer in charge of Miao police station, after a complaint was made by another man that Bimal Kanti Chakma and others had plotted a case of possession of illegal firearms out of personal rivalry with the man. The Government further replied that he was later released on bail and denied that he was tortured while was detained.

521. In response to the case concerning Rajesh Pillai, the Government denied all allegations as false and baseless. The Government stated that he was called to the police station in Bhilai Town for interrogation on two occasions. During his second interrogation, on 7 August 1997, he made a confession and was formally arrested. The Government informed the Special Rapporteur that during his arrest he complained of having sprained his legs as a result of a fall from a staircase and was examined by doctors the next day who found that his injury was minor. The Government further informed the Special Rapporteur that he was produced at court on 8 August 1997 and was remanded for three days. The Government stated that he had had sufficient opportunity to bring allegations of torture or denial of access to legal services before appropriate courts of law and had not done so. The Government denied that he had been denied access to a lawyer and informed the Special Rapporteur that he had been allowed to meet his advocate whenever he requested to do so.

522. In relation to Debu Pramanik, the Government responded that an inquiry was undertaken into the case by the Human Rights Commission of the State of West Bengal. The Commission issued a number of recommendations which were accepted by the state government, including instructions to the Director General and Inspector General of Police of West Bengal to police prosecute the commanding officer of the Chinsurah police station, an examination of the involvement of police personnel of the Chinsurah police station by the Central Investigation Department, West Bengal and the issuance of departmental proceedings against the sub-inspector, assistant sub-inspector and two constables. Furthermore, the Commission communicated its displeasure and disapproval of the conduct of the Superintendent of Police, the sub-Inspector and four duty officers to the individuals involved and ordered an interim compensation payment of Rs. 20,000 to the wife of the deceased on 7 April 1997.

523. By letter dated 26 February 1999, the Government replied to an urgent appeal sent on 24 July 1998 (see E/CN.4/1999/61, para. 312). The Government informed the Special Rapporteur that Jaspal Singh Dhillon was arrested on 23 July 1998 on suspicion that he had received money from abroad for implementing an alleged conspiracy to destroy the Burail jail in Chandigarh. The Government stated that police authorities had recovered from his possession electronic equipment used for monitoring police wireless communications as part of preparations to destroy the jail. The Government stated that he had been brought before a magistrate a number of times and had raised no complaint regarding any torture inflicted on him by police. He was remanded to police custody until 30 July 1998 and thereafter was sent into judicial custody until 19 September 1999.

524. By letter dated 14 October 1999, the Government replied to a case transmitted by the Special Rapporteur in his letter dated 11 November 1998 (see E/CN.4/199/61, para. 291). The Government confirmed that Sucha Singh was arrested on 1 September 1999 and interrogated for three hours by the Officer-in-charge of the Central Intelligence Agency, Jalandhar, but denied the allegations of torture. The Government indicated that this was confirmed by Such Singh's affidavit dated 2 September 1997. Furthermore, the Government stated that those allegations had been investigated by a senior police officer.

525. By the same letter, the Government replied to an urgent appeal sent on 22 September 1999 on behalf of three social workers of the Bal Rashmi Society (see E/CN.4/1999/61, para. 313). The Government indicated that a complaint had been filed against Abdul Sattar, Sita Ram and Satya Narain for rape. During the

course of the investigation, Abdul Sattar is said to have confessed to his crime and to the involvement of the two other persons. Furthermore, the Government informed the Special Rapporteur that several cases of sexual exploitation had been registered by women against the organization for which they were working. Finally, the Government indicated that the allegations of torture were baseless and that a National Human Rights Commission team was currently thoroughly investigating the whole matter.

526. By letter dated 5 November 1999, the Government responded to two cases transmitted by the Special Rapporteur in November 1999 (see E/CN.4/1999/61). Concerning Humagaut Rongmei (ibid., para. 302) and Kerhing Zaliang (ibid., para. 303), the Government confirmed their arrest by personnel of the Assam Rifles, but, in the light of medical reports and investigations by the relevant authorities, denied the allegations of torture as baseless.

Observations

527. The Special Rapporteur appreciates the responses of the Government. He notes that they cover only a small proportion of the cases transmitted in 1998. He again regrets the absence of an invitation to visit the country to obtain a clearer picture of a situation that has been of continuing concern over many years.

Indonesia

Regular communications and replies received

528. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had continued to receive information according to which acts of torture were widely used by the police and security forces to coerce confessions or information from victims in Indonesia, particularly in the areas of East Timor, Irian Jaya and Aceh.

529. The police allegedly frequently use excessive force when responding to peaceful demonstrations. Information about the following protests which were allegedly dispersed by police using force was transmitted to the Government.

530. On 8 May 1998, thousands of students and local residents reportedly gathered at a local university in central Java to participate in a demonstration. When they reportedly tried to march off campus, the police allegedly beat them with rattan canes. Some students are said to have responded by throwing rocks at the police, which reportedly prompted the police to fire tear gas, water cannons and rubber bullets. When the demonstrators did not disperse, the police reportedly attacked the demonstrators with rattan canes, reportedly severely injuring hundreds of the demonstrators.

531. On 12 June 1998, approximately 1,500 East Timorese students conducted a reportedly peaceful demonstration at the Ministry of Foreign Affairs in Jakarta. The demonstrators were reportedly beaten with batons, kicked and put into military buses and taken to the Cibubur military camp outside Jakarta, where they were reportedly detained for questioning and beaten. According to the information received, some were also stabbed with bayonets. Some of the injured were reportedly taken to St Carolus Hospital for treatment, including Maria Fatima, who was reportedly vomiting blood and suffering from a bleeding nose,

Aghostinha Fonseca and Helena (no surname), who were both reportedly having difficulty breathing.

532. On 25 August 1998, a group of 750 textile factory workers in central Java attempted to march from a local human rights organization in Jakarta to a local ILO office. When police officers reportedly attempted to push the demonstrators off the street, a shoving match ensued. At this time, police allegedly beat 19 demonstrators with rattan canes and kicked them until they would retreat.

533. On 1 July 1999, 30 demonstrators were reportedly injured when the police and military used excessive violence to prevent the demonstrators from entering the National Election Commission (KPU) office in central Jakarta. Approximately 300 people were protesting in front of the KPU office when police and members of the military allegedly hit several of them with batons and rifle butts, kicked them with boots, threw tear gas at them and shot some with rubber bullets. The Special Rapporteur has received the names of 15 individuals who were reportedly in critical condition at St. Carolus Hospital as a result of the alleged violence. A further 15 people reportedly underwent surgery as a result of the violence.

534. On 15 September 1999, riot police allegedly violently dispersed a crowd of around 60 student protestors in Jakarta outside the United Nations building in downtown Jakarta. Security forces allegedly opened fire outside the United Nations building, and riot police were said to have chased protestors with sticks and hurled Molotov cocktails into the air. At least three members of another group of around 150 demonstrators marching towards the Parliament building from the west side of Jakarta were reportedly beaten and kicked by security forces on the same day. Seven protestors were reportedly arrested including Gunawan Muhamad, a former chief editor of Tempo weekly magazine.

535. The Special Rapporteur has received information on the following individual cases.

536. Desmon Mahesa, Chairman of a local legal aide group, LBH Nusantra, and a member of the People's Alliance for Democracy (ALDERA), was attacked on the street by two armed men in Jakarta on 3 February 1998. He was allegedly pulled into a car, had a bag put over his head and was taken to an unknown location where he was allegedly subjected to torture while being questioned about his political activities. His eyes were allegedly covered and he was handcuffed to a chair, while electric shocks were applied to his feet and head, and he was beaten and kicked. He was reportedly released on 3 April 1998 at the Jakarta airport and he provided a public statement on 12 May 1999 about his treatment.

537. Pius Lustrilanang, Chairman of ALDERA, was reportedly abducted by an armed man who shoved him into a car in Jakarta on 4 February 1998. He was reportedly handcuffed and blindfolded and taken to an unknown location where he was allegedly tortured, including electric shock treatment, while being questioned about the activities of various opposition figures. His head was allegedly submerged in water so that he could not breathe, and he was kicked and beaten. The torture and interrogation reportedly lasted three days. He was held in custody until 2 April 1998. He reportedly described the alleged torture to the National Commission on Human Rights on 27 April 1998.

538. Muhammad Ardiansyah, a 7-month-old baby, was reportedly detained with his mother by security forces in Morong, Aceh, in February 1998. The security forces

allegedly suspended him by his legs and left him hanging under the sun for several hours in order to force his mother to reveal the whereabouts of her husband, who they suspected of separatist activity. Both the mother and child were later released.

539. Rahardjo Waluyo Djati, a member of the National Committee for Democratic Struggle, was abducted on 12 March 1998 and taken to an unidentified location where he was interrogated, beaten and subjected to electric shocks for three days. He was also made to lie on a block of ice. He was reportedly transferred to the police on 17 April and subsequently released. He provided public testimony of his torture on 4 June 1998.

540. With respect to the territory of East Timor, massive violations of human rights, including torture, were reportedly perpetrated in the lead up to, and following, the East Timorese vote for independence. Most of the violations drawn to the Special Rapporteur's attention were allegedly perpetrated by pro-Indonesian militia groups, reportedly supported by the Indonesian army through means including recruitment and training. It was further alleged that the Indonesian National Army was coordinating efforts with local militia groups and that the army was directly involved in many of the violations.

541. It was also reported that serious violations were perpetrated against East Timorese refugees who fled into West Timor, following the violence that erupted in the wake of the referendum. Humanitarian aid workers were also targeted. Two staff members of UNHCR were reportedly attacked in September 1999 in the Nolebake refugee centre. The male staff member reportedly had his throat cut with a machete and his face punched, while the female staff member was reportedly stabbed in her left rib cage.

542. The Special Rapporteur has transmitted the following individual cases.

543. Rosita Gomes Periera was allegedly raped by soldiers from the Lulirema military post in Coliate, Hatolia, Ermera district, in her home in the hamlet of Darnei in the village of Peotete, Ermera district, on 1 May 1998. She was reportedly standing with her two-month-old baby in her arms when a group of soldiers approached her. One soldier allegedly held her from behind while another soldier allegedly lifted her skirt and raped her. She reportedly made unsuccessful attempts to run away with her baby.

544. Antonio da Costa and his brother, Mauricio da Costa were reportedly arrested on 12 May 1998 in Wainiki, Baucau. A dark, "hartop" car, allegedly owned by the military reportedly suddenly pulled up beside the brothers who were selling bread on the street, and four occupants of the car allegedly threatened them with knives. They were reportedly forced into the car and taken to Kopassus (Special Forces Command) headquarters in Baucau (the "Rumah Merah"). During their detention, they were allegedly given electric shocks and had their hands burned. Following their release on 19 May 1998, Antonio da Costa reportedly experienced difficulties with movement in his body, as well as trauma, allegedly as a result of the ill-treatment in detention.

545. Zelia Correia and Luis Correia were reportedly taken on 22 May 1998 for interrogation by members of a combined military team from Kopassus, Rajawali and Team Saka who were reportedly looking for a group of East Timorese suspected of hiding military materials for the guerillas. The men were allegedly beaten and threatened at gunpoint to travel to the office of the Commander of Sector A. On

the same day, two other East Timorese, Adilson da Costa Correia and Domingos Moreira, both from Mulia village, were allegedly beaten by members of the same combined military team and taken into custody at Kopassus headquarters in Baucau. The alleged beatings reportedly resulted in bleeding from the nose and mouth.

546. The Special Rapporteur received information about an incident at the Becora prison in Dili on 2 June 1998 involving around 83 prisoners who suffered food poisoning. The affected prisoners reportedly called for help but were allegedly ignored by the prison authorities. One prisoner, Domingos da Silva, was reportedly vomiting blood. Thirty-two prisoners were reportedly taken to the local public hospital (RSUD) for treatment that night. The majority of them were allegedly ordered to be sent back to prison by the Indonesian authorities even though some had reportedly not recovered and still required further medical treatment. Some prisoners who refused to return to prison were allegedly threatened at gunpoint by military officers. According to the information received, some prisoners were allegedly beaten, kicked at and pushed into waiting cars to be taken back to the prison. Some military officers allegedly pulled oxygen masks off some of the sleeping patients and forced them to return to prison. Several prisoners reportedly later returned to hospital, where they were vomiting. Some prisoners were reportedly returned to the hospital unconscious. At least two prisoners reportedly died as a result of the poisoning.

547. Eugenio Sousa, Marito (no surname), Serafin de Jesus Ribeiro, Augusto Pinto, and Esaias (no surname), were reportedly arrested on 11 July 1998 when they were standing guard in the Beto hamlet in Comoro, Dili. According to the information received, around 20 members of the armed forces approached the five men and asked them why they were there. The youths reportedly told them that they were keeping guard against Ninjas, to which the soldiers reportedly replied "we are the Ninjas" and then allegedly beat and tortured them. They were allegedly kicked and beaten with gun butts in order to extract information from them. Serafin de Jesus Ribeiro and Augusto Pinto were allegedly stripped naked and them hit in their faces, heads, chests and stomachs. According to the information received, some information was obtained during the alleged torture, which resulted in the five men being released.

548. Anastacia de Assuncao, a woman from the village of Assalimo in Lospalos and a niece of a commander of Falintil, was allegedly abducted on 24 September 1998 and then raped and killed by a member of Team ALPA, a paramilitary organization trained by Kopassus. It is reported that she was last seen being taken away on a motor bike by the member of Team ALPA after she had finished school in Lospalos. She was reportedly beaten with stones, sustaining fatal injuries including a fractured skull and a broken neck. Her family reportedly requested the arrest of the member of Team ALPA and the initiation of a criminal investigation, but it is alleged that no such action has been taken.

549. Arlinda de Jesus was allegedly raped in front of her niece by a member of Battalion 642 Post IV in Bubutau, Fuat village, Iliomar on 13 October 1998. An armed soldier reportedly approached her while she was at a waterhole in Luanira with her niece, and allegedly grabbed her and forced her into the bush without a word. The soldier allegedly raped her despite her reported protests and threatened her with his weapon not to scream. He allegedly threatened to shoot her niece if she tried to run away. After the incident became known to the local community, an officer from Kodim 1629 Lautem allegedly threatened her and her

family and demanded that she stop talking about the incident. The officer allegedly drew a small axe from his waist and threatened to attack her husband. He reportedly then unleashed the axe on some nearby rocks and trees and shouted that he would kill them all and call for a truck to pick up their corpses and dump them. An investigation into the case has reportedly commenced.

550. Etelvina Maria Dias and Vicentinha Fernandes were reportedly arrested on 13 November 1998 in Barike hamlet, Fahinehan village, on suspicion of being involved in an attack on the military post in Alas on 9 November. The 2 women reportedly fled to Barike for protection, but were located and arrested by soldiers from Battalions 744, 745 and 315 who had been on duty in Fahi Lequimau. The women were allegedly tied together with wire, kicked and beaten with rifles and subjected to verbal sexual harassment. According to the information received, the women were then taken to Daramata hamlet where they were detained overnight. The following morning they were reportedly taken to the Battalion 315 post at Fahileqimau where they were allegedly beaten again. Soldiers allegedly tore their clothes off and grabbed and squeezed their breasts and vaginas, saying that they must be hiding letters in their underwear. The women's hair was reportedly burnt with matches. The following day the women were reportedly taken to Kodim 1634, Same, where they were allegedly also beaten by soldiers and the soldiers' wives. Thereafter, they were reportedly taken to Polres Manifahi for interrogation during which time they were allegedly forced to make false confessions. They were reportedly released but remained under house arrest.

551. Rui Kiak and Domingos da Costa, both students, were reportedly arrested on 13 October 1998 on a street in Dili. At the time of their arrest, they were allegedly beaten with iron bars and rifle butts by members of the mobile police brigade (BRIMOB), Dili. They were reportedly taken to Polres Dili where they were awaiting trial. According to the information received, their arrests were allegedly a reprisal for the physical assault of a Brimob member by the two youths the previous day.

552. The Special Rapporteur has received information about the alleged rounding up, beating and transfer of 26 prisoners at Becora Prison, Dili on 30 October 1998. According to the information received, the prisoners (a list of whose names has been received by the Special Rapporteur) were rounded up by the Indonesian military and allegedly subjected to violent beatings and hit with gun butts, before being put into military vehicles and transferred to the Balide military prison facility. It is said that the reason for their alleged ill-treatment was their political views.

553. Armando Boavida, Deolindo Castailao Felipe, Ledi Simao, Salvador Soares, José da Silva, Nicolau Amaral, Leonardo Sampaio, Tomas da Silva, Luis da Silva, Antonio Castro, Domingos Manek Gama and Muis da Silva Soares, all employees of a private company, PT Akam, were allegedly beaten with rifle butts by military personnel in the Manufahi district on 22 November 1998. The men were reportedly suspected by the military of being guerillas, as they had long hair.

554. The Special Rapporteur has received information about the reported arrest and detention at Polda Dili of civilians from the Alas subdistrict in November 1998. At least 11 people were reportedly subsequently charged under articles 106 and 110 of the Indonesian Criminal Code, Emergency Law No. 12 and Emergency Law No. 55. In particular, the Special Rapporteur has received the following individual cases.

555. Marcel Abel was reportedly arrested by members of Battalion 744 on 13 November 1998. Upon his arrest he was allegedly severely beaten on his face and chest with rifle butts. He reportedly lost consciousness as a result. When he was revived, the beating allegedly continued. This reportedly happened several times before he was reportedly handed over to members of Battalion 315, who reportedly held him in detention for three days. He was reportedly in very poor health, had been experiencing difficulties eating and drinking and had suffered continuous bleeding from his mouth and nose, allegedly as a result of the beatings.

556. Aleixo Dias was reportedly arrested by members of Battalion 744 in Barike hamlet, Fahinean village, on 13 November 1998. At the time of his arrest he was allegedly repeatedly punched and beaten with rifle butts, sticks and stones. He reportedly suffered numerous cuts to his head and arms, allegedly as a result of the beatings. He was reportedly taken to Daramata hamlet where he was held for two days and was allegedly beaten and burnt with cigarettes to the point that he lost consciousness. He was reportedly taken to the Battalion 315 military post on 15 November 1998 and then to Kodim Manufahi, Same. At both locations he was allegedly tortured. The alleged torturers at Kodim Manufahi allegedly included the wives of the soldiers stationed there.

557. Marcelino Alves was reportedly arrested on 13 November by members of Battalion 744 in Barike hamlet, Fahinean village. He was reportedly taken to the Battalion 315 military post where he was allegedly punched, beaten with rifle butts and had one of his ears bitten off. He was then allegedly tied up, had faeces forced into his mouth and was ordered to swallow it. According to the information received, he was then allegedly beaten further until he bled profusely.

558. Filipe Fernandes was reportedly arrested on 15 November by the head of the Alas Kodim intelligence section. He was reportedly detained in Kodim where he was allegedly punched and beaten with wooden clubs until he fainted. Upon resuming consciousness, he was allegedly repeatedly stamped on, which caused severe bleeding from his face, head and body. He was then allegedly tied and suspended to a rope for approximately four hours. He reportedly sustained several broken ribs and arms, allegedly as a result of the ill-treatment.

559. Longuinhos Xavier was reportedly taken by the head of the Koramil Intelligence Section to the Koramil military post on 16 November 1998. He was reportedly locked in a small room next to the Koramil headquarters where he was allegedly stripped naked, knocked to the ground, had his hair torn out and was punched and kicked in the face until it was reportedly swollen and bloody.

560. Julio da Costa, head of the Weberek hamlet, Dotik village, was reportedly arrested by members of Poles and Kodim Manufahi, reportedly on suspicion of being involved in the killing of three Battalion 315 members on 29 October 1998. He was allegedly kicked, punched and knocked to the ground, sustaining cuts to his head and chin. He was then reportedly detained at Polsek Same for around 24 hours where he was again beaten.

561. The Special Rapporteur has received information on a reported intensive military operation organized by members of the Cailaco Koramil, Halilintar, the Intelligence Task Force (SGI), and troops from Battalion 745, in the Cailaco and Atabae subdistricts, Bobonaro district, from 27 November to 10 December 1998. The operation reportedly took place following the 27 November 1998 killing of

two members of the armed forces in Cailaco. East Timorese civilians were allegedly beaten with rifle butts, as well as being punched and kicked. Many people were reportedly arrested and detained and the information received indicates that many were allegedly tortured while in detention in order to extract information.

562. These events reportedly led to a large number of civilians taking refuge at the house of the parish priest in Maliana between 2 and 4 December 1998. On 4 December 1998, the military commander for East Timor and the Maliana Kodim commander reportedly gave assurances that the safety of those wishing to return to Cailaco would be guaranteed. However, at least three crew of a public mini-bus taking people back to Cailaco from Malina, Evangelino Abel, Salvador Soares and Ozorio Soares, were allegedly severely beaten by members of the Cailaco Koramil post in Bilimao hamlet, Cailaco, when the bus was allegedly stopped by Koramil members. The following individual cases have been received.

563. Crispin Correia and Ananias Soares were reportedly arrested in their homes in the village of Meligo, Cailaco subdistrict, on 27 November 1998 by members of Battalion 144, Halilintar, Kodim and SGI. Mariano Fernandes, Agustinho Pereira da Silva, Laurentino Martins, Basilio Sousa da Silva, Sergio Soares and Thomas Tavares were reportedly also arrested in the village of Aidabaleten, Atabae subdistrict. All eight persons were reportedly detained at Polres Bobonaro and allegedly subjected to torture.

564. Vasco dos Santos was reportedly lying sick in his bed when security force personnel allegedly fired shots inside his house on or about 27 November 1998. He was reportedly not shot but was beaten until his body was allegedly bruised and swollen.

565. Gustavo (no surname) and Fransisco Soares were allegedly attacked in their houses, including beatings, by members of the military. Fransisco Soares was reportedly left lying in his house badly injured, while Gustavo is believed to have disappeared following the alleged assault.

566. Jose Paulelo allegedly suffered severe bruising to his face and head and broken teeth as a result of being beaten with a piece of wood and rifle barrels. He was also reportedly burnt on his back with matches.

567. Semedio Tavares was allegedly severely beaten in early December 1998, and had his hands tied together and was led to a hill where the allegedly beating continued.

568. Rosario Lay, Tobias da Silva, Benditu Marings, Manuel Boavida and Francisco Dos Santos were allegedly arrested and tortured by members of KORAMIL 03 Maubura forces on 1 January 1999. During a Christmas party in Koramil Maubura Hall, the Maubura sub-district head got into a fight with Martinho (no surname provided) and KORAMIL members allegedly helped the sub-district head beat Martinho. When friends of Martinho complained to KORAMIL that the treatment was unfair, the five men were arrested and tortured for one hour and then released. The five men are reported to have suffered cuts and bruises to their face and stomach.

569. Cancio da Costa, Alberto Noronha Kelo, Lolito Maria Labes, Celestinho Magno, Oscar da Costa Beram de Araujo, Mariano Mendes Corte Real, Luciano das Neves, all students at the University of East Timor, were allegedly arrested in

Cassa village, Ainaro Kota sub-district, Ainaro district on 2 January 1999 by members of the Mahidin militia and members of KORAMIL. The students were reportedly detained, had their hair cut off and were interrogated. Alberto Noronha Kelo was reportedly beaten badly, kicked and stamped upon, suffering severe bruising.

570. Carlito de Araujo was allegedly detained in Cassa village, Ainaro Kota sub-district, on 2 January 1999 and held for one week by members of Mahidin, a pro-Indonesia militia. The Mahidin allegedly beat him on his face, chest and stomach, blindfolded him and took him in a Mahidin truck to the Sarai River, where he was allegedly tortured again in a hut near the river. The next day, 3 January, he reportedly lost consciousness. The Mahidin are reported to have pressured him to join the militia and offered him 250,000 rupiah per month in return. When he refused to join the militia, he was allegedly locked up by the head of the village and militia for one week and continuously brutalized and intimidated. His wife reportedly requested the Indonesian security forces to intervene, but they refused to come to his assistance.

571. Guido Reis Ramos, Crisanto dos Santos, Saturnino dos Santos, Flaviano dos Santos, Libertine dos Santos, Abrao (no surname provided) and Jose Sarmento were reportedly detained and tortured in Rainaba quarter, Gugleur village, in the Maubara sub-district on 8 January 1999 in their homes. Approximately 70 members of the local Gardapaksi militia, allegedly supported by members of Battalion 143, were said to have attacked them. They allegedly sustained injuries from sticks and sharp weapons, and were also beaten and kicked. Guido Reis Ramos was allegedly kicked and beaten by a militia member, then taken to the Caicassa military post where members of the post gagged and beat him with a length of metal pipe and rifle butts. He reportedly sustained serious injuries to the head, hands and feet, for which he required three days of hospitalization following his release. He reportedly also lost the use of one of his legs, allegedly as a result of the beatings. Jose Sarmento was reportedly shot with an arrow as he tried to flee the attack. He was then allegedly beaten and taken to the Caicassa military post, where he was allegedly subjected to further torture before being released. Flaviano dos Santos was reportedly whipped with a chain from a chainsaw on the back and head, allegedly by militia members. He was reportedly taken to the Rajawali military post in Caicassa where he was allegedly subjected to further beatings and torture. Libertine dos Santos was reportedly stabbed in the back of the head by a militia member. Crisanto dos Santos was reportedly beaten, kicked in the face and stabbed in the ear by militia members.

572. Ruis Luis was allegedly attacked by members of the Mahidin militia and 13 Rajawali personnel during the operation in Gugleur village on 8 January 1999 (see above). He reportedly sustained knife wounds to the back of his head. The militia were allegedly also pursuing Luis' father, Fernando, and the brother of the Guico village head.

573. The Special Rapporteur has received information of the alleged ill-treatment of inhabitants of Gugleur village in Maubara subdistrict, Liquica district, reportedly by members of the Gadapaksi and Battalion 143, on 10 January 1999. A number of persons were beaten with sticks, machetes and spears, as well as being kicked. The men in the village were reportedly targeted for interrogation, having allegedly been accused of being Fretilin supporters. A teacher who protested about this treatment was allegedly whipped by a chainsaw chain. The alleged ill-treatment reportedly led to around 30 people fleeing the

Maubara district for Dili. According to the information received, some villagers had earlier sought refuge at the local Koramil and Kodim posts, but military personnel allegedly told them that their injuries were exactly what they could expect if they opposed the supporters of integration with Indonesia.

574. Ermenegildo Nunes, Eguido Martins, Abel Afonso and Julio Serao were allegedly arrested on 13 January 1999 by Rajawali forces in Lisadila village, Daru Lema sub-district. The four individuals allegedly suffered cuts and bruises allegedly inflicted while they were in detention.

575. Tomas Sampaio Nunes and Felipe Tedi were reportedly arrested on 28 January 1999 while travelling on the highway in front of the KORAMIL 03 office in Maubara. The two men were reportedly beaten by members of KORAMIL 03, Gardapaksi and Ratih militia members. They were reportedly released on the same day, suffering bruises on their faces and chests.

576. Joanico Tilman Soares was reportedly attacked by members of the Besi Merah Putih (BMP) militia on 11 February 1999 near Loes River, Maubara sub-district, Liquica district. He was on the Belu Exprex (inter-city bus) in Loes, Maliana district, when the bus was stopped at three BMP inspection posts in Maubara where the passengers were reportedly searched. At the third inspection post, he was reportedly ordered off the bus and allegedly kicked and punched by approximately 30 members of the BMP. He was allegedly beaten with sticks and iron bars and stabbed with a spear twice above his right eye, causing a severe head wound. After the incident, he reportedly complained to KODIM Liquica on arrival in Liquica, but no action was taken to investigate his complaint.

577. Amoncio Pinto, Jose Soares, Domingos dos Santos, Manuel Soares, Joao Soares, Andre Serrao, Daniel Crisno Vilat, Saturnino de Oliveira, Joanico de Oliviera, Claudino Soares, Armindo da Costa, Manuel de Oliveira, Eduardo do Santos, Umberto Afonso, Joao da Silva, Jose Mendes and Florindo da Silva Nunes were reportedly arrested without warrant on 16 February 1999 by members of BTT 03 Maubara and BMP in Vatuvou village, Liquica, and taken by foot to the police station in Maubara (15 km). While walking, their hands were allegedly tied to each other and their bodies were continuously stabbed by the military and militiamen. They were allegedly tortured at the police station while in detention. Florindo da Silva allegedly had his hands and face slashed. Of the youths arrested, seven were reportedly released shortly after their arrest for medical treatment, while 10 others were released in early March 1999. However, Armindo da Costa was reportedly charged with murder. Jose Mendes was reportedly re-arrested on 20 February and was tortured by militiamen in front of the "Camat" (the sub-regency officer) of Maubara, the sub-district Military Commander and the Chief of Police of Maubara.

578. Barito Cristao was reportedly severely beaten by the police in Fuiloro village, just north of Los Palos on 31 March 1999. On the morning of 31 March police officers reportedly entered the village and questioned him and a group of his friends. Allegedly without reason or warning, the police beat him with their rifle butts and pistols, causing bad bruising to his chest, forehead and shoulders. He was also allegedly slashed on his left side with a knife. He was reportedly later hospitalized.

579. Manuel Flores, Tomas de Jesus, Francisco Xavier, Jaimito dos Santos, Jose Cerlio dos Santos, aged 17, Manuel Caldiera, Joao Silva Alexio and Paulina de Jesus were all reportedly injured during an attack by the BMP militia, which was

allegedly supported by the military, in the hamlet of Fatubelete, Vatuvou village, on the border between Maubara and Liquica on 4 April 1999. Manuel Flores reportedly sustained injuries to both of his knees, including severed nerves. Tomas des Jesus was reportedly injured in his lower abdomen, as well as suffering bladder damage. Francisco Xavier reportedly sustained abdominal and intestinal damage, allegedly caused by stabbing wounds from a long sword. Jaimito dos Santos reportedly suffered injuries to his left leg and right hand. Jose Cerlio dos Santos was allegedly shot and suffered injuries to his left leg. Manuel Caldiera was allegedly shot in the left hand. Joao da Silva Alexio reportedly suffered a broken left hand, and Paulina de Jesus, who was carrying a three-month-old baby, reportedly had her back and eyelids sliced by a machete.

580. Alipio Maia Moniz, Afonso Cardoso Moniz, Anselmo Bere and Ligia Maia Seu, the four-year-old daughter of Alipio Moniz, were allegedly detained and tortured on 5 April 1999 by members of Tilomar KORAMIL and Laksaur Merah Putih militia members in Desa Maudemo, Tilomar subdistrict, Covalima district. Alipio Maia Moniz was reportedly arrested without warrant in Tabloo hamlet on 5 April 1999 and taken to Tilomar 02 KORAMIL, where he was detained for two days and nights and released. He was allegedly tortured while in detention by militia and KORAMIL members and suffered from bruising and bodily injuries, including profuse bleeding from his mouth and nose.

581. Natalino de Jesus, Cosme Freitas, Victor Gomes, Marcel (Doni) (no surname) and Abrao do Nacimento, students at the University of East Timor, were reportedly attacked and severely beaten with fists, blocks of wood and rifle butts by members of the Laksaur Merah Putih and pro-independence Mahidin militia on 5 April 1999 in the Suai district. The students were reportedly attending a compulsory social work project as part of their training when the militias were conducting an operation throughout Zumalai sub-district to Beko village in the Suai district. All of the students, with the exception of Marcel, were attacked because they were members of the Solidarity Council of Students of the University of East Timor.

582. Manuel Magalhaes, a member of the National Council for Timorese Resistance, Jose de Andrade and six unidentified individuals were allegedly arrested in Maliama sub-district, Bobonaro, on 12 April 1999 by the Indonesian National Army (TNI) and a paramilitary unit, Halilintar. All but two of the men were subsequently released. Jose da Andrade was reportedly beaten unconscious while in custody and required hospitalization following his release.

583. Cesar Xavier Pinto was reportedly arrested on 16 April 1999 and tortured by members of 59/75 militia in Lacluta Dilor. He was reportedly arrested in his house and subsequently brought to a militia post in district command headquarters in Viqueque, where he was allegedly tortured, resulting in all four of his limbs being broken.

584. Joao Filomeno Vaz, Adriano Gusmao Vaz, Evangelino Soares, Santiago Ximenes Vaz, Paulino Gama, Luiz Diaz, Joao (no surname), Remexio (no surname) and Antonio (no surname) were allegedly detained and tortured by members of the military, police and militia in Hera village on 21 April 1999. They were reportedly beaten at the time of their arrest and taken to the local police station or army post before being moved to Hera police headquarters. While in detention, they were allegedly beaten with rifle butts. After being beaten in the police station, they were reportedly brought to the Becora prison, Dili

police station and the East Timor Central Police Headquarters (POLDA) before being released on 23 April 1999.

585. Roberto da Carmo, Gaspar Lopes, reportedly both members of Falintil, and Januario Andrade were arrested on 19 May 1999 by police in Aileu. They were reportedly detained at POLDA in Dili, where they were allegedly beaten and had their faces badly bruised. Januario Andrade was subsequently released.

586. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1998 regarding which no replies had been received.

Urgent appeals and replies received

587. On 11 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Syurki and Fadli, who were reportedly detained at Langsa Military Prison, and Ali Usuf, who was also reported to be in military custody. The three men and a fourth man whose name was unknown and who was under military guard at Malahayati Hospital in Medan, were allegedly held in incommunicado detention. All were arrested following a meeting held in the village of Matang Ulim, in East Aceh, on 3 February 1999. Soldiers from a military base (Koramil) at Idi Cut allegedly opened fire on people leaving this meeting, which, according to the military, was a meeting about the alleged "Free Aceh" separatist movement.

588. On 1 March 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the independence of judges and lawyers on behalf of 11 men reportedly arrested on 22 February 1999 in Vatuvou village, Maubara sub-district, Liquica district, by a joint team of soldiers from the Indonesian Armed Forces and a pro-Indonesian armed paramilitary group, Besi Merah Putih. Along with seven others, they were reportedly taken to the police headquarters in Liquica. All 18 were allegedly denied food for the first days of their detention; seven persons who were reportedly ill-treated were reportedly released for medical treatment after human rights lawyers intervened.

589. On 7 April 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Alipiu Maya Moniz, who had reportedly been involved in passing on information about human rights violations in Suai to human rights monitors. He had reportedly been arrested by the ratih, a civilian militia, on 5 April 1999 in the south-western part of East Timor. This ratih was reportedly based at the Tilomar Sub-District Military Command (Koramil) headquarters, Suai sub-district, Kovalima district. In connection with his detention, it was reported that on 4 April, supporters of the independence of the territory of East Timor clashed with members of a paramilitary unit, Besi Mera Putih (BMP), in Dato, Liquica, after the BMP had attempted to arrest Felisberto do Santos. The following day, at least 17 people were killed by the BMP paramilitaries and the Indonesian Armed Forces (ABRI) after another clash between BMP and pro-independence groups.

590. On 19 April 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Manuel Magalhaes, a member of Conselho Nacional da Resistencia Timorense and former Bobonaro Public Works District Head, and Rafael (no surname), who had reportedly been arrested in separate incidents on 12 April 1999. Manuel Magalhaes was arrested with seven other men during a joint action by ABRI and a paramilitary unit called "Halilintar" in Maliana sub-district, Bobonaro. The

seven other men arrested were later released. One of them, José de Andrade, was allegedly beaten unconscious in custody and needed hospital treatment upon his release. Rafael, from Malilait village in Bobonaro sub-district, Bobonaro district, was reportedly arrested at the Tuno Bibi-Maliana bus terminal, also on 12 April 1999. ABRI soldiers from the Bobonaro Military Command were reportedly involved in his arrest and his whereabouts were unknown.

591. On 28 April 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of a number of persons living in East Timor who had allegedly been exposed to death threats and torture since 5 April 1999. In particular, it was alleged that paramilitary troops and the Indonesian Armed Forces threatened a community of around 1,000 families of internally displaced persons in Asumanu, Ermera, who had fled their homes in Liquica. Antonio Barbosa, Alfredo da Silva Alpha, the coordinator of the Justice and Peace Commission in Aileu, Domingos Dias dos Santos, Joaquim dos Reis, Gido ramos Ribeiro, Gregorio da Silva, Antonio da Silva Guturres, Pedru da Costa Alves and Manuel Freitas were later released.

592. On 7 May 1999, the Special Rapporteur sent an urgent appeal on behalf of Edi Rohadi, Taufik Edi Sapurta and four other men who were identified as Naiman, Solehudin, Samsudin and Jahid. The six men were reportedly arrested without warrants and had their houses searched, also without warrants, in connection with two bomb explosions and a bank robbery in April 1999 in Jakarta. All six men had reportedly been held at the Jakarta Regional Police Headquarters (POLDA).

593. On 27 May 1999, the Special Rapporteur sent an urgent appeal on behalf of Roberto da Carmo, the Commander of Region II of the Timorese National Liberation Army, Falintil, and Gaspar Lopes, a Falintil member, who was reportedly arrested on 19 May 1999 by the police in Aileu, and then transferred to the regional headquarters (POLDA) in Dili, where he was detained. Both were known supporters of independence for the territory of East Timor and both were allegedly beaten in custody in Aileu and Dili, and suffered bruised and swollen faces.

594. By the same urgent appeal the Special Rapporteur intervened on behalf of Luis Avarisdo Lopes, an internally displaced person who had fled to Dili, and was reportedly arrested in Metiaut on 24 May 1999 by a "local leader" of the eastern part of Dili. After his arrest, he was reportedly handed over to the Military Intelligence Unit, Satuan Tugas Intelijen.

595. Finally, the Special Rapporteur also intervened on behalf of Jacob Martins Reis Fernandes, head of the Hatiola sub-district of Ermera district, in the territory of East Timor, who had reportedly been arrested and taken to a military post, possibly in Ermera, on 17 May 1999. He was reportedly accused of supporting Falintil after he reportedly made public statements criticizing the killing of a group of internally displaced persons some months previously. He was allegedly publicly threatened by the leader of the Aitarak (Thorn) militia and a deputy commander of all the paramilitary units in the territory of East Timor.

596. On 10 July 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers on behalf of 20 people who had reportedly been arrested by the Indonesian National Army (TNI)

on 9 July 1999 in Teunom sub-district, Aceh province: Abdullah, Adanan Abdullah, Ansari Juned, Bahri Insya, Bakhtiar Razali, aged 17, Helmi Zukifli, Junaldi Ismail, Amin, Marzuki Syamsuddin, Husen, Muslidar Sabirin, aged 17, Mustafa Hasyem, Nazir M. Diah, Nurdin Ibrahim, Ramil Amin, Rasyidan Yusof alias Si Yem, Razali, Si Bit A. Rani, Si Yan Lem Badai and Zainuddin Syafli, aged 17. They had reportedly been arrested on the basis of claims by the TNI that the armed opposition group Gerakan Aceh Merdeka (GAM), was using the area around the plantation where the arrests took place. All 20 were reportedly detained at the District Military Command (Kodim) in West Aceh and denied access to lawyers.

597. On 23 July 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman of the Working Group on Enforced or Arbitrary Disappearances on behalf of two persons whose whereabouts were unknown. Jamaluddin Umar from Meuria Paloh village was reportedly arrested at Point Arun Ngl on 20 July 1999 by a joint team of soldiers of the Indonesian National Army and members of a riot control police unit, known as the Petugas Penindak Rusuh Massa (PPRM), and Izwar Puteh, a humanitarian aid-worker in the internally displaced persons camp of Mureudu, was reportedly arrested on 17 July 1999 by members of the same riot patrol.

598. On 23 July 1999, the Special Rapporteur sent an urgent appeal on behalf of Ayub Hasan, who was reportedly among a group of seven people driving to an internally displaced persons camp at Mereudu, where they had planned to attend a meeting on health conditions in the camp. They were arrested by members of a riot control police unit, the PPRM, at Trienggadeng in Pidie district, Aceh province, Sumatra, on 17 July 1999. They were allegedly held at a PPRM camp and then moved to an Indonesian National Army (TIN) detention facility. Five of the persons were reportedly released on 19 and 20 July 1999. Ayub Hasan reportedly remained in custody at the District Military Headquarters (Kodim) in Pidie district where he had reportedly been beaten and suffered head injuries.

599. On 5 August 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Muzakir Bin Ustad, Nurdin Bin Ustad Ahmad, Yusuf Haria and Ridwan, who had reportedly been arrested on 31 July 1999 by members of the Indonesian Army in Lhok Seutui and Tanah Hambu Aye villages, North Aceh, on suspicion of being members of the Free Aceh Movement. They were allegedly held in incommunicado detention at the Baktiya sub-District military command (KORALMI) in Alue Le Puteh.

600. On 6 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Roberto da Carmo, a Commander of Region II of the Timorese Armed Resistance, Falintil, and Gaspar Lopes, a member of Falintil. They were reportedly arrested on 19 May 1999 and detained in Aileu and at the regional police headquarters (POLDA) in Dili, where they were allegedly ill-treated and suffered bruising and swelling to their faces. Gaspar Lopes reportedly coughed blood as a result of his alleged ill-treatment in custody.

601. On 8 September 1998, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, the Representative of the Secretary General on internally displaced persons and the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding the massive violations occurring in East Timor. Attacks by regular and irregular armed elements had reportedly resulted in the killing of over 100 individuals, widespread infliction of torture and other forms of ill-treatment, the

involuntary or enforced disappearance of thousands and the forced displacement of some 200,000 persons. Moreover, individuals were reportedly prevented from fleeing.

602. On 13 September 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Mau Hodu, who was reported to be a member of the National Council of Timorese Resistance and the Central Committee of the Fretlin political party. He was reportedly arrested in Dili on 8 September 1999 by a joint Indonesian National Army (TNI) and militia team and his whereabouts were unknown.

Follow-up to previously transmitted communications

603. By letter dated 16 February 1999, the Government replied to an urgent appeal sent by the Special Rapporteur on 17 November 1998 on behalf of 26 prisoners from the territory of East Timor (see E/CN.4/1999/61, para. 352). The Government confirmed that on 30 October 1998, the 26 prisoners named in the urgent appeal were transferred from the Becora Correctional Institution to the Balide Military Prison. The Government explained that the transfer took place because facilities were damaged in a violent demonstration on 10 October 1998. The resulting overcrowded conditions prompted the prison authorities to find another insitution to accommodate the prisoners to avoid further unrest. The Government explained that the transfer was also prompted by requests of some inmates and their families. The Balide military prison was selected for the transfer as it was the nearest facility in Dili which could accommodate a large number of prisoners. The Government denied that the transfer was carried out in a forceful manner or that prisoners were beaten with gun butts or thrown into military vehicles during the transfer. It further stated that the prisoners would remain under the responsibility of the Becora Correctional Institution despite being detained at the Balide Military Prison and that the prisoners would be guaranteed access to their families and lawyers, as well as other rights, in accordance with the law. The Government informed the Special Rapporteur that the International Committee of the Red Cross was due to visit the prison in March 1999.

604. By letter dated 9 March 1999 the Government responded to an urgent appeal sent by the Special Rapporteur in conjunction with the Working Group on Arbitrary Detention on 9 October 1998 (see E/CN.4/1999/61, para. 350). The Government denied that Marcus Belo was arrested and detained by the Air Force unit of the Baucau military airport since the Air Force has no authority to make arrests and detain prisoners. Moreover, the Government informed the Special Rapporteur that there is no detention facility at the Baucau military airport. The Government informed the Special Rapporteur that Marcus Belo had been summoned, together with three other men, by the security authorities of the Baucau military airport on 30 September 1998 in relation to an alleged theft from airport authorities and a member of the security personnel at the airport. The Government denied that the four men were detained at the airport. The Government further replied that, on 1 October 1998, a member of the Air Force unit of the Baucau military airport went to Marcus Belo's house to collect the goods stolen by one of the other three men, which were being voluntarily returned. While at the house, some army uniforms and an M-16 gun with 18 bullets were found in his illegal possession and confiscated. The Government advised that no legal action was taken against him or against the man who had stolen the goods, since they were voluntarily returned. Furthermore, the Government denied

that any torture or ill-treatment by the authorities of the Baucau military airport took place in relation to any of the men, including Marcus Belo.

Observations

605. The Special Rapporteur participated in a joint mission to East Timor together with the Special Rapporteurs on extrajudicial, arbitrary or summary executions, and on violence against women, its causes and consequences, in November 1999. The report of the mission is contained in document E/CN.4/2000/115. The Special Rapporteur recognizes that Indonesia's political system has undergone a profound transformation. He hopes that, eventually, its new Government will be in a position to give favourable consideration to his longstanding request to visit the country.

Iran (Islamic Republic of)

Urgent appeals and replies received

606. On 1 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Amir Farshad Ebrahimi, Kiyanoush Mouaffari and Babk Shahrestani. They had reportedly been recently sentenced by a court to flogging in connection with an assault in August 1998 on two senior members of the President's Cabinet. Amir Farshad Ebrahimi had reportedly been sentenced to 40 lashes and 18 months' imprisonment, while the two others had been sentenced to 20 lashes and 6 months' imprisonment.

607. By letter dated 3 November 1999, the Government indicated that in accordance with articles 25, 29 and 32 of the Islamic Penal Code, the lashes sentences had been suspended for three years.

608. On 12 July 1999, the Special Rapporteur sent a joint urgent appeal with the Special Representative on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on behalf of Hechmatollah Tabarzadi and Hossein Kachani, both journalists of the weekly publication, the Hovizat-Ú-Khich, which has since reportedly been banned. These journalists had reportedly been arrested on 16 and 19 June 1999, respectively, and were detained at the Evin prison. The authorities have indicated that the two journalists were reportedly arrested for publishing information "contrary to public order and public interest" and "issuing an anti-establishment communiqué". They were reportedly been interrogated at the Intelligence Ministry, where people have allegedly been tortured. A week after their arrest, they were reportedly transferred to an unknown detention centre. On 6 July 1999, a number of students and others reportedly protesting the detention of the above-mentioned individuals at the United Nations office in Tehran were themselves arrested. The Government reportedly suspended the publication of a leading moderate newspaper, Salam, the same day that the Majlis passed a new law which in principle restricts freedom of the press. The night editor of Salam, Morad Raisi (Veissi), was reportedly detained on 7 July 1999.

609. On 23 July 1999, the Special Rapporteur sent an urgent appeal on behalf of a large number of students arrested following the demonstrations against new laws allegedly curbing press freedom in Tehran, Shiraz, Rasht, Esfahan, Mashhad and Tabriz. Serious clashes between student demonstrators, security forces and unofficial vigilante groups reportedly followed these demonstrations, and a

number of students were reportedly killed or seriously injured. Furthermore, a large number of student activists, and also journalists and members of opposition political parties, were reportedly arrested in connection with the demonstrations and were being held in incommunicado detention, including at Evin prison, but the whereabouts of most of them was still unknown. Among those arrested were Mohammad Massod Salamati, Seyed Djavad Emami and Parviz Safari, and other members of the Tabarzadi group. Khosrow Seif, the 70-year-old spokesperson of the banned opposition political party, the Iran Nation Party, as well as Behzad Namazi, Mehran Abdolbaghi, Safaritar, Mir Abdolbaghi Kashani, Mehran Gorkani, Farzin Mokhber and Esmaeil Moftizadeh, all members of the Iran Nation Party, had reportedly been detained at their homes on 14 July 1999. Their current whereabouts were unknown. Maryam Shansi, a student leader and a member of the Jonbesh-e Demokratik-e Meli-ye Iran (National Democratic Movement of Iran), had reportedly been attacked, beaten in her home, and arrested on 12 July 1999 and her current whereabouts were unknown. Manuchehr Mohammadi and Gholamreza Mohajeri-Nezhad, two student activists members of the Anjoman-e Daneshjuyan va Daneshamukhtegan Meli (National Association of Students and Graduates), had reportedly been arrested in Tehran on 13 July 1999. They were reportedly detained incommunicado.

610. On 25 August 1999, the Special Rapporteur sent a joint urgent appeal with the Special Representative on the situation of human rights in the Islamic Republic of Iran on behalf of Gholamreza Qobeh, a former deputy mayor of Tehran, who had reportedly been arrested in April 1998 on charges of embezzlement and diverting public funds and had been sentenced to 50 lashes and six years in prison. The sentence was reportedly upheld by an appeals court.

Iraq

Urgent appeals and replies received

611. On 24 February 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of a number of persons recently arrested in connection with the killing of Ayatollah Mohammed Sadeq al-Sadr and his two sons on the night of 18 February 1999. Widespread protests had reportedly erupted at the news of the killings, particularly in the Shi'a Muslim dominated district of al-Hawra in Baghdad and in the southern cities of Karbala', al-Nassiriya, al-Illa and al-Najaf. Security forces had reportedly opened fire, killing dozens of protesters. Several hundred others were said to have been arrested.

612. By letters dated 8 and 19 March 1999, the Government responded to this urgent appeal. An investigation was being undertaken in relation to the murder of the persons mentioned above. The Government indicated that four individuals had been arrested on suspicion of having carried out a fatwa issued in a manner inconsistent with Islamic values and traditions against the late Sayyid. With regard to reported widespread protests afterwards, the Government denied these having taken place. With regard to arrested suspects, the Government replied that allegations of ill-treatment were biased.

613. On 6 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Jotiar Yahia Latif al-Salihi, Rawiya, his wife, and their two children, Chimen, aged 3, and Latif, aged 1, who, in an effort to escape persecution in Iraq, had moved to Jordan about five months previously and applied for asylum at the UNHCR in Amman. On 9 July 1999, the family reportedly went shopping and did

not return. They were allegedly abducted by the Iraqi Intelligence Service, owing to the fact that Jotiar Yahia Latif al-Salihi's brother, Latif, who is currently living in Europe, is allegedly involved in Iraqi opposition activities.

614. By letter dated 5 October 1999, the Government responded to this urgent appeal by indicating that the family of Jotiar Yahia Latif al-Salihi was transferred from Jordan to Syria since their authorization to remain in Jordan had expired and they had not received official authorization to request an extension.

615. On 2 September 1999, the Special Rapporteur sent an urgent appeal on behalf Ahlam Khadom Rammahi, a British citizen, who had reportedly been arrested in Baghdad on 5 August 1999. On 28 July 1999 she travelled from London, where she has resided since 1982, to Iraq to visit her sick mother. On 5 August, two government security men reportedly went to her mother's house in al-Najaf to arrest her. However, she had already left for Baghdad to visit other relatives. The security men are alleged to have arrested her brother, whom they took to Baghdad to show them the way to the relatives' house. Ahlam Khadom Rammahi was arrested by the security men and her brother was then released. No reason was given for her arrest and since that time her whereabouts have remained unknown.

616. By letter dated 14 September 1999, the Government responded to this urgent appeal by indicating that Ahlam Khadom Rammahi had come under the amnesty decreed by the Council of the Revolutionary Command for Iraqis who had left their country illegally and that she had accordingly been released on 7 September 1999.

Israel

Regular communications and replies received

617. By letter dated 17 November 1999, the Special Rapporteur advised the Government that he had received information on the following individual cases.

618. Nidal Ya'qub Diab and Iyad Ya'qub Diab, brothers, were reportedly driving out of Kalandia refugee camp in the West Bank on their way home in two cars on 3 April 1994. As they left the camp, they were allegedly pulled out and severely beaten with rifle butts and fists by soldiers. The brothers were reportedly arrested. In the course of the investigation into their allegations, the office of the Legal Adviser to the Israeli Defence Force (IDF) Central Command is said to have only questioned two members of the IDF. They reportedly alleged that they had been "forced to exercise reasonable force" to search the brothers. On the basis of this alleged incomplete investigation, the Legal Adviser to the Central Command is said to have concluded that "the soldiers in question acted properly" and closed the investigation.

619. Nidal Abu-Sroor allegedly died during interrogation as a result of torture on 30 January 1998 in the Al-Maskhobieh interrogation centre in Jerusalem.

620. Ma'ath and Mahmoud Taqatqa, brothers from Beit Fajjar near Bethlehem, were allegedly arrested on 2 June 1999 by Israeli security forces and taken to the Russian Compound Detention Centre (Maskobia). Ma'ath Taqatqa was allegedly held in solitary confinement, hooded with a dirty bag, handcuffed to a small

chair with his hands held being his back. His brother Mahmoud was allegedly held in solitary confinement in a small cell, hooded with a dirty bag, violently shaken, exposed to intolerably loud music and deprived of food and sleep, and he was threatened that his mother and sister would be raped in front of him.

621. Ahmed Yosef Bayed was allegedly placed in administrative detention on 5 March 1999. On 15 April, he was reportedly transferred to the General Security Service (GSS) Interrogation Unit in Petah Tikva. He was allegedly forced to sit in the shabeh position daily - on a low chair with his wrists bound behind him, with a wet, stinking sack on his head, making breathing difficult, and with loud music blaring constantly. He was also allegedly deprived of sleep.

622. Ali Abu Ras was allegedly arrested on 4 May 1999 and detained at the GSS Interrogation Unit of Jerusalem's Russian Compound Detention Centre. He was allegedly forced to sit in the shabeh position day and night with his wrists tightly cuffed behind him.

623. Bassam and Hasan Al-Arabid, brothers, were allegedly arrested on 11 February 1999 at the Erez checkpoint, while they were leaving the Gaza Strip to work in Israel. Their arrests were allegedly related to the case of their brother, Saad Al-Arabid, who is wanted by Israeli security forces for his alleged affiliation to Izz Eddin Al-Qassam, the armed wing of the Islamic Resistance Movement. The brothers were allegedly subjected to torture during interrogation, including the shabeh position. They were also subjected to loud music and isolated in individual cells.

624. Ahmed Rashid Hussein Haled was reportedly arrested on 28 March 1999 and detained in the GSS interrogation unit of the Kishon Detention Centre. On 13 April 1999, his remand was extended by the military court for 15 days. He reportedly gave his lawyer an affidavit stating that his interrogators had tortured him.

625. Haled Suliman Abu Hassan was reportedly arrested on 15 March 1999 and detained at the GSS interrogation unit of the Kishon Detention Centre. During the remand hearing on 5 April, it is reported that he informed his attorney that he was not allowed to sleep, and that his interrogators were forcing him to sit in the shabeh position almost continuously.

626. Abd el-Razak Hasib and his brother, Muhmed Sa'id Razak Hasib, both from Ramallah, were reportedly arrested on 20 and 25 September 1998, respectively, and held in incommunicado detention at the GSS unit of Jerusalem's Russian Compound for three weeks. They were allegedly both beaten while interrogated. They were deprived of sleep for 12 days.

627. Regarding Khiam Detention Centre, the Special Rapporteur has received information on the following individuals.

628. Soleiman Ramadan was allegedly beaten and kicked on 14 July 1999 when he told Israeli officers that a food strike would continue within the detention centre. All the detainees were allegedly led blindfolded with their hands tied behind their backs to the prison yard. The Israeli officers then allegedly threatened to beat the detainees if they should go on with the food strike on 14 July, the day for Lebanese detainees. On 20 May 1999, the officers are also alleged to have made a direct threat to Soleiman Ramadan of "amputating" his other leg and moving him to Nafha prison for the rest of his life for attempting

to escape. When other detainees came to his assistance, officers allegedly began to beat and kick him and the Israeli soldiers allegedly used whips and tear gas to disperse the detainees. As a result of the beatings, the following detainees required hospitalization: Soleiman Ramadan, Mustafa Tawbe, Riad Kalakesh, Hussien Akiel, Karam Mustafa, Khanjar Shouib, Samir Kassem, Mohammad Katbey, Abde Melkani, Ibrahim Kareeb, Mustafa Arabia, Ghandi Ayoub, Izzat Yassin, Tayssoer Shaaban, Mujeeb Turmouss, Adel Kalakesh, Yasser Halawi and Ali Ghazi Al-Saghir.

629. Samir Hijazi, who was reportedly arrested on 15 March 1999 was allegedly subjected to torture following an attempted escape in April 1999. He was allegedly subjected to electric shocks and beaten. As a result of the beatings, he is reported to have suffered a broken hand and bruises on his entire body.

630. Ali Mustafa Tawbe, who was 14 years old at the time of his arrest, was reportedly arrested in Arnoun on 20 September 1997 by the Israeli secret intelligence. During the first six months of his detention, he was allegedly severely beaten, especially on the head, and subjected to electric shocks while detained at Khiam Detention Centre. He was allegedly also forced to sit in a tank full of water, is said to be wired with electric wires.

631. Jamal Nejib Sharara was reportedly taken from his home in Bint Jebeil on 11 January 1985 and released on 1 May 1996 after more than 11 years' detention without charge or trial. He was allegedly severely tortured immediately after arrest in Centre 17 Camp in Bint Jebeil, He allegedly became unconscious the first day and was taken to Marja'yun hospital, where he was treated for several fractures on his left leg. He was then reportedly transferred to Khiam Detention Centre on a stretcher, where, despite his condition, he was allegedly beaten by South Lebanon Army (SLA) officers. He was allegedly placed in a barrel of water and given electric shocks, whipped after water had been poured over his body, and dragged behind a moving car.

632. 'Ali Ahmad Khashish was reportedly arrested on 1 November 1985 and held for nearly 10 years in Khiam Detention Centre without charge or trial before he was released on 21 July 1996. He was allegedly tortured with electric shocks, suspended from a pole and beaten. As a result of the alleged torture, his hearing is said to be impaired and his back still to bear marks of torture.

633. Mahmud Muhammad Ramadan was reportedly arrested on 3 March 1990. In 1993 one of his hands was reportedly amputated and he reportedly lost his right eye, allegedly after torture which included electric shocks and suspension. He was also reportedly held in solitary confinement for three years. On his release, he was reportedly taken to Beirut Hospital where he was unable to recognize members of his family.

634. The Special Rapporteur has received information according to which the following 12 elderly persons currently detained at Khiam Detention Centre are in a poor state of health, which is believed to be constantly deteriorating for lack of medical treatment. It is reported that they have nevertheless been transferred at various times to Marja'iyun hospital which is said to lack the necessary medical facilities. Ali Muhammad Ghanawi, arrested in 1996, is said to be suffering from heart and stomach pains; Muhammad Salim Qatibay from Arnun, was reportedly detained on 3 October 1997 and is said to be suffering from hearts attacks and to have been transferred 15 times to Marja'iyun hospital;

Al-Abda Qasim Malkani from Qasir, was reportedly detained on 5 September 1998 and is said to be suffering from nervous breakdown while in the detention centre; Farid Haris Karam, from Qala', was reportedly detained on 28 January 1999 and is said to be suffering from gastritis; Abdullah Muhammed Obeid from Umm Tut, was reportedly detained on 22 April 1999 and is said to be suffering from a slipped disc and to be unable to walk; Hussein Awadha from Khiyam, was reportedly detained on 30 June 1999 and is said to be suffering from a heart disease and to have difficulties walking; Khalil Ibrahim Yunis from Shabhin, was reportedly detained on 15 March 1999 and is said to be suffering from stomach pains and a slipped disc; Hussein Salih Abu Sa'ad from Shuba, was reportedly detained on 18 June 1999 and is said to be suffering from curvature of the spine; Kamal Wahba Munthir from Saqi, is said to be suffering from heart attacks and stomach pains; Mustafa Tuba from Arnun, was reportedly detained on 3 October 1997 and is said to be suffering from heart palpitations; and Hassan Mohammed Souayed from Al-Kseir, and his wife, Al-Abdeh Kassem Malkani were reportedly arrested on 23 September 1998 and are said to be respectively suffering from high blood pressure and dyspnoea, and chronic abdominal pain and rheumatoid arthritis.

635. The Special Rapporteur has also received information on several Lebanese nationals who have reportedly been captured in Lebanon by the Israeli Defence Force or the South Lebanon Army. Most of them are said to have been transferred to Israeli prisons and they are reportedly currently being held as hostages in order to be exchanged against Israeli prisoners of war. According to the information received, they are being held without having been charged or beyond the expiry of their sentences. In July 1996, it is reported that 18 were transferred to Ayalon Prison in Ramleh. The Special Rapporteur has recently received information on alleged acts of torture following the arrest of the individuals mentioned below.

636. Bilal 'Abd al-Husayn Dakrub was reportedly arrested on 16 February 1986 in a cave where he was hiding near the village of Tibnin, in the south of Lebanon, by members of the South Lebanon Army (SLA) and the Israeli Defence Force (IDF). He was allegedly interrogated by an IDF officer at Bra'shit camp and beaten and kicked by SLA soldiers. He then reportedly spent 10 days in Centre 17 Camp, near Bint Jebeil, which is said to be run by the SLA and Israeli security services. There, he was allegedly administered electric shocks by the SLA security service in the presence of Israelis, who are said to have given the orders. He was then reportedly transferred to a detention centre in Sarafand, Israel, where he allegedly spent three months under interrogation in solitary confinement. He was allegedly denied sleep for long periods and made to stand for nights. He was eventually transferred to Kishon Prison. He was reportedly tried by the Military Court in Lod for membership of an illegal organization and sentenced to two and a half years' imprisonment. His sentence expired on 16 August 1988, but he is said to be still detained.

637. 'Ali husayn 'Ali 'Ammar, Ahmad Mushen Muhammad 'Ammar, Kamal Muhammad Rizq and Hasan Sadr al-Din Hijazi were reportedly arrested in Mays al-Jabal on 1 September 1986. Kamal Rizq and Hasan Hijazi were only 16 years old at the time of their arrest. All four were reportedly taken to Khiam Detention Centre and transferred after five months to Sarafand Detention Centre. They were allegedly all tortured in both places. Hasan Hijazi had a broken leg in a plaster when he was arrested and was allegedly forced to stand for hours and was beaten on his broken leg during his detention at Khiam. For the first six week of his detention, he was held in solitary confinement, handcuffed and hooded all the

time. The other three were allegedly repeatedly beaten, tortured with electric shocks and kept in the shabeh position. It is reported that they are still detained.

638. 'Abd al-Hasan Hasan 'Abd al Hasan Surur, 'Abbas Hasan 'Abd al-Husayn Surur, Ahmad Hasan 'Abd al-Husayn Surur, Yusef Ya'qub Surur and Husayn Fahd Daqduq were reportedly arrested in 'Ita al-Sha'b by SLA forces in March and April 1987. They were reportedly taken to Centre 17 Camp and then to Khiam Detention Centre, where they were allegedly tortured by methods including electric shocks to the fingers or genitals. It is reported that they were interrogated by Israelis. They were then reportedly transferred to Safarand in Israel where they were allegedly interrogated by Israeli security service personnel and severely beaten and forced into the shabeh position. They were eventually transferred to Kishom Prison and tried before the Military Court at Lod where they were reportedly sentenced to up to three years' imprisonment for offences such as membership and military training with an illegal organization. Husayn Fahd Daqduq should have been released in 1988 and the others in 1990. It is reported that they are still detained.

Urgent appeals and replies received

639. On 13 January 1999, the Special Rapporteur sent an urgent appeal in conjunction with the Special Rapporteur on the independence of judges and lawyers and the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Taysar Muhmed Aouwda, who was reportedly arrested on 30 December 1998 and had since been detained at the GSS Interrogation Unit of the Jerusalem Russian Compound. He was reportedly suffering from a chronic illness and had been denied medication he had brought with him to the Russian Compound. On 4 January 1999, an ad hoc military proceeding was reportedly held and the court is said to have extended his detention for 15 days. The court is also said to have ordered that he be examined by a prison physician.

640. On 2 February 1999, the Special Rapporteur sent an urgent appeal in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers on behalf of Ali Mustafa Tawbeh, who had reportedly been arrested from his primary school in Arnoun by Israeli armed forces on 6 October 1997 and taken to the Khiam Detention Centre, in southern Lebanon. Israeli armed forces in the south of Lebanon have reportedly claimed that he was arrested for "planning a military operation against them". During the first six months of his incommunicado detention, he was allegedly subjected to torture and was kept in solitary confinement.

641. The Government replied on 13 July 1999 that Ali Mustafa Tawbeh was arrested by forces of the South Lebanese Army (SLA) and not by Israeli forces, in his home and not in his school. The Government stated that he was arrested on suspicion of having been actively involved in action undermining the security of the region. He was transferred for the purpose of investigation to the Al-Khiam Detention Centre in the south of Lebanon which the Government stated was under the control of the SLA and not its responsibility. The Government stated that, in its contacts with the SLA in relation to the Al-Khiam Detention Centre, it had encouraged the establishment of adequate conditions and improved standards which conform to international standards for the protection of human rights. It stated that to this end, the International Committee of the Red Cross and families of detainees visit the detention centre. The Government further replied

that during his investigation by the SLA, Ali Mustafa Tawbeh made a number of admissions, including but not limited to the following: that he had undertaken acts of espionage, terror and incitement to violence against the region and its inhabitants and had collected information against Israeli and SLA forces, that he conveyed this information to the so-called "Hizbullah" and that he had approached leaders of the so-called "Hizbullah" to express his readiness to act as a suicide bomber against Israeli targets in southern Lebanon.

642. On 10 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Jihad Husni Mohammed Shehadeh, who had reportedly been arrested in August 1997, under an administrative detention order, for his alleged links to Hamas. Since then, he had reportedly been detained without charge or trial. He had been under interrogation by members of the Israel's General Security Service (GSS) since 7 February 1999, when he had been transferred from prison to the Hasharon interrogation centre. He was allegedly kept hooded, his legs and hands being tied to a chair in an uncomfortable position, with loud music playing, from the afternoon of 7 February until the following morning, when he was taken to meet his lawyer.

643. On 1 March 1999, the Special Rapporteur sent an urgent appeal on behalf of Issa Ali Batat, a Palestinian from Dhahariya, south-west Hebron. He had reportedly been arrested on 22 February 1999 by the (GSS) and was said to be currently held incommunicado at Shikma prison in Ashkelon. Assurances sought by his lawyer from the Attorney General's Office that no physical force is used during his interrogation had reportedly been refused and an appeal to the Israeli High Court for an interim injunction forbidding the use of physical force had also been turned down. Issa Ali Batat had reportedly been arrested in an attempt to find out the whereabouts of his brother, who was reportedly wanted by the GSS.

644. The Government replied on 23 July 1999 that Issa Ali Batat was arrested on 22 February 1999 by the GSS on suspicion that he was engaged in terrorist activity that presented a real danger to public safety and regional security. The Government further stated that subsequent to the GSS investigation, he was charged with several serious offences including buying and supplying weapons and ammunition for use in terrorist activity, harbouring terrorists who have carried out bombings against civilian targets and supplying money for the purpose of terrorist activity. The Government informed the Special Rapporteur that, on 10 May 1999, the Supreme Court sitting as the High Court of Justice heard a petition on behalf of Issa Ali Batat, who claimed that he was mistreated by the GSS. After hearing his lawyer and reviewing the evidence in the case, including secret evidence, the court rejected his petition, but stated that it would consider some of the points of law raised, including the question of the use of physical force in investigations, in conjunction with another similar case. The Government advised that these cases were still pending. A September 1998 background paper on "Hamas" was transmitted to the Special Rapporteur with the reply.

645. On 10 March 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on violence against women, its causes and consequences, on behalf of Munah Hassan Awad Barhasin, a Palestinian woman, who had reportedly been arrested on 15 February 1999 and detained at the GSS Interrogation Unit of the Kishon Detention Center, where she had allegedly been forced into the shabeh position for long periods. She was reportedly on a hunger strike. At a military hearing held on 2 March 1999, her remand had reportedly been extended for

15 days. It was also reported that, as the security services had no specific place for female detainees, she was forced to share a cell with Israeli criminal detainees.

646. The Government replied on 17 March 1999 that Munah Hassan Awad Barhasin was released from the Kishon Detention Centre on 14 March 1999. The reply did not provide any information on her alleged ill-treatment while in custody.

647. On 12 March 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Hussein Akul, a 17-year-old Lebanese citizen who had reportedly been held at Khiam Detention Centre since 2 September 1997 without charges. He was said to be gradually becoming blind and to have been denied medical treatment.

648. On 26 April 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the working Group on Arbitrary Detention on behalf of Amin Muhammad Ghazi al-Aghbar, a Palestinian who had reportedly been arrested on 16 March 1999 at Allenby Bridge and taken to Jelemeh Prison, also known as Kishon Prison. He was said to be held in incommunicado detention, since 30 March, at a military detention facility, Megiddo Prison. He is reportedly accused of having links with "Hamas", an Islamist movement opposing Israeli rule.

649. The Government replied on 12 July 1999 that the investigation into Amin Muhammad Ghazi al-Aghbar alleged activities within "Hamas" had been completed. It stated that the investigation revealed that he is an active member of "Hamas" and as a result, he was charged with 12 serious offences, including membership of a terrorist organization, holding office in a terrorist organisation, promoting contacts with a foreign (Syrian) terrorist organization, raising funds and harbouring fugitives who belong to a terrorist organization, procuring illegal weapons for the use of a terrorist organization and recruiting new members for a terrorist organization. The Government further replied that, given his medical record, he received close and continuous medical supervision throughout the period of his detention. No comment was made on his detention allegedly being incommunicado. In relation to access to legal representation, the Government replied that it had been assured that he was being duly represented by an attorney of his choice. The Government indicated that he was barred from having access to his attorney on a small number of occasions when the necessities of national security, in accordance with Israeli law, made this imperative. Transmitted with the Government's reply was a September 1998 background paper on "Hamas".

650. On 29 April 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Muhmad Mahmud Hassan Abu Tir, who had reportedly been arrested on 21 September 1998 near Jerusalem. From the time of his arrest until 11 October 1998, he had reportedly been held incommunicado at Jerusalem's Russian Compound. On 27 September 1998, the court reportedly extended his detention for another 30 days, until the time of his indictment. Since then, he had reportedly been transferred to Shikma Detention Centre and moved again to the GSS Interrogation Unit of Jerusalem's Russian Compound, on 11 April 1999. He had reportedly only been allowed to sleep for three hours at a time. He was allegedly forced to sit on a high chair with his wrists tied behind him so tightly, that his wrists were swollen.

651. On 29 July 1999, the Special Rapporteur sent an urgent appeal on behalf of 'Ali Khalil Surur, Samih Surur, Hasan Musa Ridha, aged 15, Muhammad Musa Ridha and Muhammad Na'meh Ridha, aged 15, who had reportedly been among those arrested between about 20 and 22 July 1999 in the village of 'Ayta al-Sha'b by members of the South Lebanon Army and the Israeli army who were reportedly searching homes. The soldiers are said to have interviewed about 75 people, including children. The above-named persons were currently being held in Khiam Detention Centre.

652. On 14 September 1999, the Special Rapporteur sent an urgent appeal on behalf of Husayn 'Ali Haris, Muhammad Mahmud Haris, Haytham Bahjat As'ad and Nader Muhammad Khader, who had reportedly been arrested by members of the Israeli Defence Force in the village of 'Ayt al-Sh'b and Belat, on 9 and 10 September 1999. They were allegedly held incommunicado in the Khiam Detention Centre.

653. On 29 October 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Maria Sobeiti (f), Ibrahim Fadlallah, 'Ali Khalili Khanafer, Bilal Mahmud Ja'afar, aged 17, Ghunwa Mahmud Ja'afar (f), Hussein Muhammad Samhat, Hussein Ahmad Samhat, Najwas Ahmad Samhat (f) and Ahmad Hussein Samhat, aged 15, who had reportedly been arrested on 7 October 1999 in their village of Aainata, in south Lebanon. They were said to be detained at the Khiam Detention Centre.

654. On 29 November 1999, the Special Rapporteur sent an urgent appeal on behalf of Husasyn 'Ali Haris, Muhammad Mahmud Haris, Haytam Bahjat As'ad and Nader Muhammad Khader, who had reportedly been arrested in the village of 'Ayta al-Sha'b, in south Lebanon, by members of the SLA and the Israeli army on 9 or 10 September 1999. On 20 September 1999, other villagers, Ali Hassan Qassem, Fahd Saleh and Fadila Maohammad Tahini (f), were reportedly also arrested. Ali Hassan Qassem was arrested allegedly because his son is said to have refused to be conscripted into the SLA. Fahd Saleh is said to have been arrested for having criticized the Israeli occupation. All were reported to be detained at Khiam Detention Centre.

655. Regarding persons detained at Khiam Detention Centre, the Government referred in several letters to previous communications in which it denied responsibility for Khiam Detention Centre (see E/CN.4/1999/61, para. 393).

656. On 7 December 1999, the Special Rapporteur sent an urgent appeal concerning the draft Criminal Procedure (Powers and Special Interrogation Methods for Security Offences) Law, which was reportedly introduced in the Knesset in October 1999. This bill would authorize GSS interrogators to use "special interrogation methods", including "physical pressure on the body", where there is a reasonable suspicion that a person has information which, if immediately revealed, could prevent danger to human life or State security. The Special Rapporteur reminded the Government that he had concluded, in his report to the previous session of the Commission on Human Rights (see E/CN.4/1999/61, para. 394) that the use of "moderate physical pressure" as an aid to interrogation violates the prohibition of cruel, inhuman and degrading treatment and, in certain combinations, or over a certain period of time, the prohibition of torture. He also reminded the Government that the findings of the Committee against Torture and the Human Rights Committee were consistent with his own observations. He also reminded the Government of the September 1999 ruling of the High Court that the systematic use of various interrogation techniques by

GSS interrogators was illegal. Finally, he welcomed the submission to the Knesset in October 1999, of the draft Penal Code (Amendment - Prohibition of Torture) Law, which would reportedly make the infliction of torture, as defined in the Convention against Torture, a criminal offence.

Follow-up to previously transmitted communications

657. By letter of 11 January 1999, the Government responded to a number of cases transmitted by the Special Rapporteur on 11 July 1996 (see E/CN.4/1997/7/Add.1), 11 June 1997 (see E/CN.4/1998/38/Add.1) and 3 September 1998 (see E/CN.4/1999/61).

658. Concerning Mamon Isma'il Yusaf Vousvous (see E/CN.4/1999/61, para. 373), the Government informed the Special Rapporteur that he had been convicted and sentenced to six months' imprisonment for his criminal activities with the so-called "Hamas" terrorist organization. He was re-arrested on 11 December 1997 as a result of his connection with the so-called organization and on suspicion of organizing a terrorist attack. The Government replied that owing to the seriousness of the allegations, he had been the subject of intensive interrogation, during the course of which he petitioned the Israeli High Court of Justice in relation to the conditions of his interrogation (480/98). His petition was later withdrawn. The Government further replied that he had filed a complaint with the Department of Internal Police Investigations and an investigation was carried out by authorized officials of the Ministry of Justice. Mamon Vousvous and his interrogators were questioned at this investigation, which decided that the interrogators had committed no wrongdoing. Nevertheless, the Government indicated that the investigator made a recommendation to the State Attorney that since prolonged handcuffing could cause injury, it should be avoided in the future.

659. Concerning Ali Saalem Ali Balut (ibid., para. 374), the Government replied that he had been a member of "Hamas" and had been arrested and jailed on several occasions since 1989, most recently on 26 March 1998 when he was residing illegally in Israel. After his arrest, he was interrogated on suspicion of aiding the recruitment of "Hamas" members and on suspicion of engaging in violent activities for "Hamas". The Government stated that during his interrogation he had petitioned the Israeli High Court of Justice regarding the conditions of his interrogation (3250/98), which was struck out. The Government further reported that he was currently standing trial for his offences. The Government noted that he had not made a complaint to the Department of Internal Police Investigations concerning his interrogation and, therefore, the Government stated, it was impossible for it to answer the allegations of ill-treatment.The Government informed the Special Rapporteur that if a complaint was filed, it would be investigated by authorized officials of the Ministry of Justice.

660. Concerning Asam Tzaadek a-Chalim Halman (ibid., para. 375), the Government replied that he was arrested on 26 July 1997 on suspicion of having assisted wanted members of "Hamas". During his interrogation, he also submitted a petition to the Court regarding his interrogation (4699/97), but later withdrew his petition. The Government replied that he had not filed a complaint to the Department for Internal Police Investigations concerning his interrogation, therefore it was not possible to answer his allegations. The Government stated that, as for Ali Saalem Ali Balut, if a complaint was filed, it would be investigated by authorized officials of the Ministry of Justice.

661. Concerning Fadi Abdullah Sa'id Saffi (see E/CN.4/1997/7/Add.1, para. 249), the Government replied that he was arrested on 4 May 1994 on suspicion of terrorist activities for "Hamas", for carrying out an attack on an Israeli bus and for two other incidents involving Molotov cocktails. The Government reported that he was tried, convicted and sentenced to five years and two months' imprisonment. The Government further replied that he had never filed a complaint regarding his interrogation and that if a complaint was filed, it would be investigated by authorized officials of the Ministry of Justice.

662. Concerning Mahdi Muhammad Hussein Suleiman Shakrour (ibid., para. 250), the Government replied that he was released on 18 May 1994 by the Israeli police following his imprisonment for throwing stones. The Government further replied that he had earlier been arrested and interrogated by police investigators and was finally brought to trial, convicted and sentenced to 18 months' imprisonment, 10 months of which were suspended. The Government informed the Special Rapporteur that, to the best of its knowledge, he did not make a complaint regarding his police interrogation.

663. Concerning Abdel Rahman Abd Ahmar (ibid., para. 254), the Government replied that he was an activist in the so-called "George Habash" terrorist organization. The Government reported that he had been jailed on several occasions for his activities with that organization. The Government further replied that on 15 February 1996, he was interrogated on suspicion of involvement in planning violent terrorist attacks and carrying out an attack. He filed a complaint in March 1996 regarding his interrogation, which was investigated by the Ministry of Justice. The Government informed the Special Rapporteur that during the investigation, Abdel Rahman Abd Ahmar was interviewed and claimed that he was not harmed during the interrogation. The final conclusion of the investigation was that there was no evidence of any wrong doing by the interrogators.

664. Concerning Bassem Mahmad Abdulleh Niruch (ibid., para. 255), the Government replied that he was jailed in 1992 for his activities as a member of "Hamas" and re-arrested on 5 March 1996 on suspicion of military activities with the same organization and in connection with carrying out terrorist attacks. He was sentenced to eight years' imprisonment (four of which were suspended) in March 1997. The Government informed the Special Rapporteur that following his complaints to the International Committee of the Red Cross an investigation was carried out by authorized officials of the Ministry of Justice. The Government further stated that no basis was found for the allegation that he was beaten during interrogation. The Government stated that, following conversations with him and after gathering all the documentation, including medical reports, the investigator determined that he was untrustworthy and his complaint was false.

665. Concerning Adnan Yunis Abu Magid Tabaaneh (ibid., para. 256), the Government replied that he had been arrested in 1986 and 1994 and, most recently, in March 1996, on suspicion of military activities on behalf of "Hamas". The Government further replied that he had petitioned the Israeli High Court of Justice (1996/96) and his lawyer had filed a complaint with the Department of Internal Police investigations, in both instances in respect of his interrogation. In respect of the latter, the Government replied that an investigation had been carried out and found that the interrogators had acted lawfully.

666. Concerning Walid Ali Mahmud Karageh (ibid., para. 257), the Government replied that he was a senior activist in "Hamas" and had been arrested on 4 April 1996, tried and convicted. The Government further replied that during his arrest he filed a petition to the Israeli High Court of Justice regarding his interrogation (3508/96). His lawyer also filed a complaint with the Department of Internal Police Investigations. In respect of the latter, the Government replied that an investigation was carried out, which included an examination of medical reports and other documentation, and it was concluded that the interrogators had acted lawfully.

667. Concerning Raad Shaib Phatcha Sunugrut (ibid., para. 258), the Government replied that he had been arrested and interrogated on 15 March 1996 on suspicion of assisting wanted members of "Hamas" and of planning terrorist attacks. The Government further replied that he had made a number of admissions during the interrogation and had been tried and sentenced to two years' imprisonment, after which he was released in August 1998. During his interrogation, his lawyer filed a complaint to the Israeli Court of Justice regarding his interrogation (2708/96) and later also filed a complaint with the Department of Internal Police Investigations. In respect of the latter, the Government replied that an investigation had been carried out, which included an examination of medical reports and other documentation, and it had been concluded that the interrogators had not acted violently.

668. Concerning Muhamed Zachri Suchri Mujahed (ibid., para. 259), the Government replied that he had been arrested on 11 April 1996 on suspicion of membership of the military wing of "Hamas". The Government further replied that he had made a number of admissions during interrogation and had been tried and sentenced to three years' imprisonment. During his interrogation, his lawyer filed a complaint to the Israeli Court of Justice regarding his interrogation (2837/96) and later also a complaint to the Department of Internal Police Investigations. In respect of the latter, the Government replied that an investigation had been carried out and it had been concluded that the interrogators had not acted violently.

669. Concerning Mussa Farid Mussa Masharqeh (see E/CN.4/1998/38/Add.1, para. 212), the Government replied that he was arrested on 7 March 1995 on suspicion of making contact with a wanted military activist in the "PFLP". The Government further reported that during a medical examination it was determined that he suffered from asthma and he was therefore afforded close medical attention throughout his interrogation. The Government informed the Special Rapporteur that he had filed a complaint through the ICRC which was investigated by authorized officials in the Ministry of Justice who had spoken with him. According to the Government, he gave the impression of being untrustworthy and there was no evidence found to support his allegation that illegal actions took place during his interrogation.

670. Concerning Daher Ahmad Salah Abu Mayaleh (ibid., para. 213), the Government replied that he had been arrested for the first time in May 1994, tried and sentenced to a term of imprisonment, released in July 1995, and later re-arrested on 15 February 1996 on suspicion of involvement in "Hamas" terrorist activities. He was tried, sentenced and subsequently released in February 1997. The Government informed the Special Rapporteur that during an application to extend his sentence, he argued before the court that he had lost consciousness for five hours following vigorous shaking by interrogators. The Government further stated that this allegation was examined by the court, which called a

medical officer to give evidence, and rejected. He later filed a complaint with the Department of Internal Police Investigations on 25 April 1996. The Government replied that an investigation was carried out and the claim was rejected.

671. Concerning Bashar Nazia Muhamad Tarabieh (ibid., para. 214), the Government replied that he had been arrested on 19 August 1996 on suspicion of two arson attacks. The Government replied that he had been released on the basis of insufficient evidence and that he had not filed a complaint concerning the manner of his interrogation. The Government assured the Special Rapporteur that if a complaint was filed, it would be duly investigated by authorized officials of the Ministry of Justice.

672. Concerning Azam Isma'il Saim Arada (ibid., para. 215), the Government replied that he had been arrested on 17 October 1996 on suspicion of being an activist in a "PFLP" terrorist attack. The Government further replied that he had been interrogated for two weeks and released on 1 November 1996 on the basis of insufficient evidence and that he had not filed a complaint concerning the manner of his interrogation. The Government assured the Special Rapporteur that if a complaint was filed, it would be duly investigated by authorized officials of the Ministry of Justice.

673. Concerning Iyad Abu Hamdieh (ibid., para. 216), the Government replied that he was arrested at an army checkpoint on 9 April 1996 together with his brother in connection with their involvement in terrorist attacks in which Israeli civilians had been killed. The Government informed the Special Rapporteur that during his arrest, Iyad Abu Hamdieh had complained of medical problems from which he suffered as a result of a previous road accident, but that it was discovered that he was lying. He was subsequently released on 2 June 1996 without charges, and the Government replied that he had not filed any complaint concerning the manner of his interrogation. The Government assured the Special Rapporteur that if a complaint was filed, it would be duly investigated by authorized officials of the Ministry of Justice.

674. Concerning Ayman Mahmad Fiyad Kafishah (ibid., para. 218), the Government replied that, following his release from jail in August 1995, he had continued activities with "Hamas". The Government stated that he had been arrested on 5 April 1997 on suspicion of being involved in a suicide bombing at the Apropos restaurant in Tel-Aviv, in which three innocent civilians had been killed. After an interrogation in which he made a number of admissions, he was sentenced to 35 years' imprisonment. The Government further reported that during his interrogation, he filed three petitions to the Israeli High Court of Justice regarding the manner of his interrogation (2317/97, 2499/97, 267/97). The first petition was dismissed in Court and he withdrew the other two. The Government further replied that he had not filed any complaint concerning the manner of his interrogation. The Government assured the Special Rapporteur that if a complaint was filed, it would be duly investigated by authorized officials of the Ministry of Justice.

Observations

675. The Special Rapporteur welcomes the decision of the High Court of Justice on 6 September 1999 declaring unlawful the interrogation techniques involving "moderate physical pressure" and recognizing that they constitute torture or cruel, inhuman or degrading treatment, absolutely prohibited under international

law. He nevertheless regrets that, pursuant to the defence of necessity under Israeli Law (there is no such defence against torture or similar ill-treatment under international law), the Court felt that such techniques could avoid attracting criminal responsibility in certain extreme cases. He is pleased, however, that he has learned of no cases of interrogation in which the security services resorted to the techniques since the decision was handed down. He sincerely hopes that draft legislation introduced in the Knesset aimed at formally authorizing coercive techniques of interrogation will be vigorously opposed by the Government and not become law. He also remains concerned at the continuation of torture and ill-treatment of persons detained in southern Lebanon under the de facto control of Israel.

Japan

Regular communications and replies received

676. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information on the following cases.

677. Uchiyama Kazuo was reportedly detained in Chiba Prison on 17 August 1993. He was reportedly taken to an interrogation room on 30 August for a disciplinary lecture after allegedly angering a guard by approaching him in an informal manner. In the room, he was allegedly told to stand in a formal, upright position while guards disciplined him. One guard allegedly forcibly straightened two of his fingers which he could not straighten as he had diabetes, causing both men to lose balance and fall over. After this occurred, 10 other guards reportedly arrived who proceeded to kick and punch him and twist his arms behind his back. He was later forcibly taken to a "protection cell" where he had his clothes ripped off and was put in mataware pants with a slit cut in the seat for defecation. In the cell, he was reportedly forced to lay face down on the floor while he was allegedly restrained with a leather belt and metal handcuffs and kicked repeatedly until he fell down. He has reportedly initiated legal proceedings in relation to his treatment in prison at the Chiba District Court. However, the Court has reportedly ordered that the practice of putting prisoners in a "protection cell" is inadmissible in its examination of his case, following a government objection.

678. Hiura Yoshitaka was reportedly incarcerated in the Yokohama Prison in 1991. He was reportedly placed in a single cell one year later, allegedly for a minor offence, and held there until February 1994. When he reportedly attempted to make a formal complaint against his treatment, he was allegedly subjected to a violent assault by prison guards and then taken to a "protection cell", where he was allegedly forced, face down, on the floor, bound and with leather handcuffs and stood on by a prison officer, causing him to bite his tongue and bleed from his mouth. The guard reportedly put him in an extra pair of handcuffs and then left him in this position in the "protection cell" for four days. According to the information received, he has brought an action against the prison authorities at the Tokyo District Court.

679. Zhou Bi Zhu, a Chinese woman who was pregnant at the time, was reportedly arrested on 3 March 1997 and incarcerated in the Tokyo Detention House on 2 April 1997. Three days after her arrival at the prison, she reportedly complained to a prison guard of a strong pain in her abdomen and that half of her body felt as if it was paralysed. The guard reportedly replied that as it was Sunday, there were no doctors available, and that she would have to wait

until the following day to see a doctor. She reportedly did not see a doctor until 22 April 1997 by which time the foetus was dead.

680. Yihaya Radwan Allam, an Egyptian man, reportedly contracted a skin disease in the Tokyo Detention House in November 1993, when he was allegedly placed in an unsanitary cell containing insects and faeces. During a second period of confinement in March 1994, 15 guards allegedly hit him, causing him serious injuries, including near deafness in his right ear. He has reportedly initiated legal proceedings complaining of his alleged ill-treatment in custody.

Jordan

Urgent appeals and replies received

681. On 11 August 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman of the Working Group on Enforced or Involuntary Disappearances on behalf of Jotiar Yahia Latif al-Salihi, his wife, Rawiya, their daughter Chimen and their son, Latif, all Iraqi nationals who had reportedly been abducted on 9 July 1999 in Jordan by the Iraqi Intelligence Service (see above, under Iraq), and who were said to be still held in incommunicado detention in an unknown place in Jordan.

682. In the same urgent appeal they also intervened on behalf of Robar Yahia Latif al-Salihi, his brother, Omaed, his sister, Joanne, and his mother, Gulbahar, who were reportedly at risk of forcible repatriation to Iraq, where they might be at risk of torture. They were reportedly informed by security officers that their stay in Jordan had expired, the day following the publication in an London-based Arabic newspaper of an interview with Robar on the possible abduction of his brother's family.

Kazakhstan

Follow-up to previously transmitted communications

683. By letter dated 7 July 1999, the Government responded to all cases transmitted by the Special Rapporteur in September 1998 (see E/CN.4/1999/61, paras. 413-424).

684. Concerning Madel Ismailov, the Government indicated that on 2 May 1997 criminal proceedings were instituted against him for organizing activities disturbing public order. He was put in custody in a remand centre from 18 June to 17 September 1997. The Government confirmed that during this period he was placed in a punishment cell after having declared he was on a hunger strike, but denied that he was ill-treated at any time during his detention. It further indicated that he had never complained about ill-treatment, in particular to his lawyers or during court hearings. On 17 September 1997, he was sentenced by the Almalin district court in Almaty to one year of corrective labour. The Government further indicated that on 7 April 1998 the Auezov district court in Almaty sentenced him to one year's deprivation of liberty for having publicly insulted the honour and dignity of the President. The Government noted that he had now been released from the corrective colony in Petropavlovsk after having served his sentence and that he had not lodged any complaint concerning ill-treatment during his time there.

685. Concerning Valeriy Tonkonogov, the Government indicated that he had been hospitalized at the regional hospital three days after he was arrested in March 1996. The forensic examination reportedly found that he had been subjected to moderate bodily harm. The Government added that on 20 May 1996, his mother filed a complaint to the Procurator's Office of Industrialny district in Pavlodar, which instituted proceedings against the officials of the Pavlodar Office of the State Investigating Committee (OGSK) for premeditated moderate bodily harm. The investigations carried out by the Ministry for Internal Affairs and the regional office of the Kazakhstan National Security Committee (KNB) found on 16 April 1998 that no offence had taken place.

686. Concerning Yevgeniy Tarasov, the Government confirmed that he had complained of ill-treatment by three officials from the Ministry for Internal Affairs, and indicated that those three officials had been killed in Pavlodar in July 1996 while on duty. The Government also indicated that after several investigations, his allegations had been declared unfounded.

687. Concerning Natalya Zabolotnaya and her boyfriend, V.P. Avdeyuk, the Government confirmed that a medical examination found that they had suffered bodily harm. On 15 April 1997, the Procurator of Ilichev district in Pavlodar instituted criminal proceedings against officials of the OGSK. The proceedings were later terminated on the ground that, according to witnesses, bodily harm had been caused by other detainees. The Government noted that these two persons had not complained about unlawful methods of investigation to the Assistant Procurator who conducted regular checks of the temporary detention centre.

688. Concerning Viktor Rukavishnikov, the Government confirmed that he reported the alleged ill-treatment to a trial judge and that a medical examination confirmed that he had slight bodily injuries. However, the judge is said to have found that he had sustained those injuries long before he was arrested.

689. Concerning Sabit Kashkimbaev, the Government indicated that no evidence was found that he had been ill-treated while in pre-trial detention. In March 1997, he was reportedly sent to Tashkent, Uzbekistan, to be tried, since his case had been combined with criminal proceedings being conducted there.

690. Concerning Boris Dergachev, the Government confirmed the circumstances of his arrest and that he had suffered moderate bodily harm which required hospitalization. Preliminary investigations were carried out by the investigating service of the KNB department for the Astana and Aqmola region, but were stopped on the ground that the actions of the OGSK officials did not constitute a criminal offence. The Government finally indicated that the Astana Procurator's Office had recommended to the OKNB that additional investigations be carried out.

691. Concerning Andrey Surgutskov, the Government indicated that he had confessed in the presence of his lawyer to assaulting a victim and that a medical examination found that he had sustained no bodily harm. On 22 May 1995, the day he was charged, he reportedly complained about ill-treatment while being interrogated and that his earlier statement admitting to the assault had been obtained under duress. On 20 June 1995, he filed a complaint with the Astana City Procurator. On 25 June 1995, the investigator decided not to pursue the case against the militia personnel as their actions did not constitute any offence. He also complained of ill-treatment during his trial at the Aqmola

regional court, which asked for further investigations to be carried out. On 5 October 1995, it was again decided that criminal proceedings would not be instituted. Finally, the Government indicated, he was sentenced to 10 years' deprivation of liberty for hooliganism and premeditated grievous bodily harm leading to the death of the victim.

692. Concerning Andrey Shtelts, the Government confirmed that he had complained of ill-treatment during his November 1995 trial. Investigations confirmed that he had obtained first aid for an injury to his right knee in the casualty unit of the Zhezqazghan city office of the Ministry of Internal Affairs. At that time, he reportedly did not lodge any complaint of having been beaten. On 16 February 1996 the investigator of the former GSK administration for the Zhezqazghan region decided not to institute criminal proceedings as the conduct of the incriminated officials of the Ministry of Internal Affairs in his view did not constitute an offence. Finally, the Government indicated that Andrey Shtelts had been sentenced to five years' deprivation of liberty.

693. Concerning Andrey Kolvakh, the Government indicated that on several occasions he had confessed in the presence of his lawyer to causing light bodily harm and to unlawfully detaining the victim, and that he had not complained of unlawful methods of investigation during his trial. On 16 March 1998, he was sentenced by the Uralsk city court to three years' deprivation of liberty. A claim of ill-treatment was eventually reviewed under an appeal procedure by the West Kazakhstan regional court, which concluded that his claim was unfounded.

694. Concerning Pyotr Privalov, the Government indicated that immediately after his arrest he had voluntarily confessed to theft. His claim that unlawful methods of investigation had been used against him was decided to be unfounded.

695. Concerning Gennadiy Yakuenko, the Governement indicated that he was not on the list of persons arrested or detained in 1997.

Kenya

Urgent appeals and replies received

696. On 19 February 1999, the Special Rapporteur sent an urgent appeal on behalf of four persons who were said to be in the Greek embassy in Nairobi: two women, Melsa (no surname), reportedly holding a German passport, and Nujan (no surname), and two men, Ibrahim Ayaz, reportedly holding a Swedish passport, and Bylan (no surname), reportedly holding a French passport. They were reportedly accompanying Abdullah Öcalan. Fears had been expressed that they might face imminent and forcible repatriation to Turkey, where they might be at risk of torture and other forms of ill-treatment.

Observations

697. The report of the Special Rapporteur on his visit to Kenya is contained in Addendum 4 to the present report.

Democratic People's Republic of Korea

Regular communications and replies received

698. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information according to which conditions in detention settlements for political prisoners are very harsh. Prisoners are allegedly frequently ordered to undertake heavy labour for up to 18 hours a day. Some prisoners are reportedly forced to perform this labour while wearing iron leg restraints, metal collars and other restraints. Inadequate food supply, coupled with sleep deprivation, has reportedly led many prisoners to faint from hunger and exhaustion when undertaking forced labour. Punishment cells are said to be too low for a prisoner to stand upright and too small for a prisoner to lie down flat. Prisoners have reportedly been kept in such cells for several weeks for breaking prison rules. Forced abortions are allegedly practised and reportedly no medical care is provided.

699. The Special Rapporteur also transmitted information about the Kaechon Prison, where conditions are reportedly very harsh. Prisoners are said to be only allowed the use of one toilet for 300 people, in shifts, at three fixed times a day. Prisoners are reportedly only allowed to take a shower two or three times a year. Sleeping chambers are reportedly severely overcrowded, flea-infested and dirty. Prison authorities allegedly maintain a strict regime of control through severe punishment for disobeying rules. Prisoners must not speak with each other, laugh or sing. Those who breach the rules are reportedly told that they will be severely punished. Prisoners are reportedly ordered to keep their heads down at all times, resulting in lumps on prisoners' shoulders and heads. Many prisoners are reportedly crippled and hunchbacked as a result. Prisoners are allegedly frequently whipped, kicked, beaten and punched.

700. Lastly, the Special Rapporteur transmitted information on Soon-ok Lee. She was reportedly detained for 14 months at the Nongp'o Assembly Point, followed by six years in the Kaechon Political Prison from 1987 to 1992. While at the Assembly Point, she was allegedly lashed with a triangular rubber whip while naked and tied to a frame, causing swollen wrists and bruises over her body. She was allegedly kept awake for three to four days in a row. She was also allegedly put into a hot brick kiln where officers poured water over her, causing her to lose consciousness. She was allegedly also tied to a bed and forced to swallow large amounts of water pouring down from the ceiling. When she reportedly lost consciousness as a result, a board was allegedly put on her body which officers then trampled on until she vomited. In November 1987, when she was brought to the Kaechon Political Prison, a female prison officer allegedly kicked her with her boots. After more than six years' hard labour, by which time she was reportedly in very poor health, including a damaged pelvis and paralysed face, damaged back and left leg, she was reportedly released in December 1992 and sent to Onsong camp before leaving the country in 1994.

701. By letter dated 9 December 1999, the Government responded to these allegations, but questioned the sources of information of the Special Rapporteur. It denied the allegations, and in particular the existence of "political prisoners camps". It indicated that there existed three "reform institutions through labour", respectively in Sariwon City, Pyongyang City and Chommae County. It referred to its Socialist Constitution, which stipulates that working days should be eight hours long. According to the Criminal Procedures Act, pregnant women are neither detained, nor ordered to perform labour from

three months before, to seven months after, their delivery. Medical care is free for everybody.

702. Concerning Soon-ok Lee, the Government indicated that she had never been detained. It also denied the existence of the Kaechon Reform Institution.

Republic of Korea

Regular communications and replies received

703. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information on the poor conditions in many prisons. In many prisons medical care is reportedly inadequate, particularly in relation to the health care needs of women. Prisoners are allegedly frequently held in solitary confinement for long periods, sometimes even years, are deprived of sleep for several days, questioned throughout the night, threatened and beaten.

704. The Special Rapporteur transmitted information on the following individual cases.

705. Park No-hae was reportedly arrested in March 1991 by members of the Agency for National Security Planning (ANSP) and interrogated for over 30 days. He was allegedly severely beaten and, for the first 10 days of interrogation, he was allowed to sleep only for a few hours each night. The Government replied on 14 December 1999 (see para. 708 below).

706. Baik Tae-ung a leader of the Socialist Workers League, Sanomaeng, was reportedly arrested in April 1992 by members of the ANSP. After his arrest, he was reportedly interrogated for 22 days during which time he was allegedly deprived of sleep for long periods, beaten and injected with drugs, purportedly in an attempt to extract a confession. The Government replied on 14 December 1999 (see para. 708 below).

707. Kim Nak-Jung, the former Co-President of the Minjung Party, was reportedly detained from 25 August to 15 September 1992 by members of the ANSP who accused him of having met four North Korean agents between 1990 and 1992. He was allegedly beaten by a group of ANSP agents using clubs, particularly on his fingers, resulting in scars and bruising on his head and arms. He was also allegedly deprived of sleep for long periods causing him to faint during interrogation. The Government replied on 14 December 1999 (see para. 708 below).

708. Yang Hong-Kwan was reportedly arrested by agents of the ANSP in September 1992. At the time of his arrest, he was allegedly stripped, beaten, forced to do repeated physical exercise and deprived of sleep. As a result of this alleged mistreatment, he reportedly made a confession. The Government replied to the above four cases together on 14 December 1999. It indicated that the four men were released on 15 August 1998 under a general amnesty. The Government stated that none of the men had filed any complaint nor any lawsuit for State compensation for any alleged torture. The Government advised that since being released, Park No-hae has freely engaged in various literary activities, and Baik Tae-Ung has moved to the United States to undertake graduate studies.

709. Oh Jeung-Eun, Han Sung-Ki and Jang Suk-Jung were reportedly detained by four ANSP agents at the Seoul District Prosecution Office, from 31 August to

14 September 1998, on suspicion of having plotted to provoke an armed attack during the December 1997 presidential campaign. Oh Jeung-Eun was allegedly strangled and hit on his chest, cheeks and lips, suffered a number of wounds, particularly to his lips and mouth and later appeared in court violently shaking. Han Sung-Ki was allegedly also severely beaten, in order to extract a confession. He reportedly suffered wounds to his chest, scars on both of his knees and around his waist, and severe bleeding. Jang Suk-Jung was allegedly beaten on his stomach, legs, feet and face with a bottle. Both of his feet were allegedly smashed. He reportedly suffered damaged bowels and severe bruising to his face and body, especially his legs. The three men reportedly appeared before a Seoul District Court judge on 3 October 1998 in relation to their alleged treatment at the Seoul District Prosecution Office. The Government replied on 14 December 1999 that the three men were tried and subsequently released on bail, on charges of having plotted to induce North Korea to armed provocation during the December 1997 presidential campaign. The Government indicated that the men had made a complaint alleging that they were tortured by National Intelligence Service investigators during their interrogation and that the complaint was currently being investigated by the Prosecutor's Office.

Observations

710. The Special Rapporteur appreciates the response from the Government. He draws attention to and shares the concern of the Human Rights Committee in its concluding observations on the review of the country's periodic report under the International Covenant on Civil and Political Rights. Specifically, the Committee "takes note of the procedures for monthly monitoring of conditions in detention centres by prosecutors, but it is concerned that these and other mechanisms are not adequate to prevent instances of torture and cruel, inhuman and degrading treatment of detainees. The small percentage of cases in which complaints of torture or cruel, inhuman and degrading treatment lead to action against officials calls into question the credibility of the existing procedures of investigation." (CCPR/C/79/Add.114, para. 14)

Kyrgyzstan

Regular communications and replies received

711. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information according to which the conditions (in particular, sanitary conditions) in pre-trial detention centres (SIZOs) are very poor. There is a reported lack of food and medicine. Owing to severe over-crowding, prisoners must reportedly sleep in shifts. Poor conditions in two juvenile correctional facilities were also reported: the Belovodskoe correctional facility and Vosnesenovski correctional facility. Detainees in these two facilities are reportedly deprived of adequate food, clothing and footwear and many are ill.

712. The Special Rapporteur also transmitted the following cases.

713. I.I. Skorokhodov, a Russian, was reportedly arrested on 25 May 1998 by militia officers in Chui-Tokmok. He was reportedly taken to a nearby house, where, for 30 minutes, officers allegedly kicked him, particularly in the area of his liver and kidneys, and hit his head causing him to lose consciousness. He was reportedly taken to City Militia Station No 4. An officer and the militia captain allegedly hit his head. They reportedly told him to get out of

Kyrgyzstan if he survived their treatment of him. He reportedly lost consciousness several times when a rope around his neck was tightened. Officers allegedly threatened to kill him, but reportedly decided not to as too many people had seen his arrest. He was reportedly taken to the Chui-Tokmok district militia police department (ROVD) where he was put in an isolation facility (IVS) where officers allegedly continued to beat him for around 30 minutes. He was reportedly taken to the Tokmak City Court on 26 May 1998 where he complained to the judge about his alleged ill-treatment, for which the judge reportedly apologized and said that he could not do anything about it. On 27 May 1998 he reportedly lost consciousness and was hospitalized for over a month with serious concussion, numerous abrasions and bruises on this body, signs of suffocation and an open wound on his lips. He has reportedly filed a complaint with the City Administration, the Prosecutor's Office and the militia. He was re-arrested for hooliganism on 2 September 1998, allegedly as a result of making his complaint to the militia, and placed in the Tokmok IVS where he was allegedly denied medical treatment and food. On 26 February 1999, he was reportedly sentenced to six years in a strict correctional facility, which he is now believed to be serving.

714. Uulbolsun M was reportedly detained on 11 August 1998 by the investigator of the Pervomaiski district Department of the Interior (ROVD) and taken to the Pervomaiski district Public Prosecutor's department. She was allegedly threatened ard intimidated before being taken to a cell where an attempt was made to take a photograph of her. When she reportedly refused to have her photograph taken, a guard allegedly grabbed her hair and started to beat and kick her, causing her to lose consciousness. She reportedly lost consciousness the following day as well, allegedly from being beaten by guards. She was reportedly later taken to City Hospital No 4.

715. Pavel Bals was reportedly taken from his home by officers of the Oktyabrski ROVD on 1 September 1998 and taken to their offices wearing only his underwear. There, he was allegedly severely beaten and sustained three broken ribs and injuries to his neck. His neck was later reportedly operated on owing to the injuries allegedly sustained by the beatings.

Follow-up to previously transmitted communications

716. By letter dated 29 december 1998, the Government responded to an urgent appeal sent by the Special Rapporteur on 26 October 1998 (see E/CN.4/1999/61, para. 439) on behalf of 12 persons detained at the Jalal-Abad temporary detention centre. The Government indicated that a commission composed of officers of the General Prosecutor's Office and of the Ministry of the Interior had been sent to the Jalal-Abad region to examine the case of the persons mentioned in the urgent appeal. All were legally detained. Concerning the conditions of their detention, the Government recognized that the allegations, in particular regarding overcrowding, were founded and indicated that appropriated measures had immediately been taken to improve them. It nevertheless indicated that detainees were receiving food three times a day, had beds with mattresses and blankets, and outside exercise twice a day. Lastly, the Government indicated that a two-year moratorium on the execution of death penalty sentences had been declared by the President on 4 December 1998 to celebrate the 50th Anniversary of the Universal Declaration of Human Rights, and that a draft amnesty law was currently being considered by the Parliament.

Observations

717. The Special Rapporteur draws attention to and shares the concerns of the Committee against Torture, in its conclusions and recommendations on its review of the country's periodic report under the Convention against Torture, in respect of "the numerous and continuing reports of torture ... and other cruel, inhuman, or degrading treatment or punishment (sometimes including children) by law enforcement personnel" (CAT/C/23/6, para. 5).

Lao People's Democratic Republic

Regular communications and replies received

718. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information on the following case.

719. Khamtanh Phousy, an army captain, has reportedly been detained in a number of prisons since March 1996, in particular in the C-156 prison in Xieng Khouang, in Sam Neua in Houa Phanh province, and in Prison Camp No. 7 at Ban Sophao, where guards reportedly told other prisoners not to speak with him. He allegedly had his legs chained together and was locked for 20 days into a wooden stock, so that he could not stand, walk, bathe, eat or use the toilet. He was reportedly released when prisoners broke his chains. Following an escape attempt, his legs were allegedly chained together, and he was reportedly placed in an iron stock.

Lebanon

Urgent appeals and replies received

720. On 26 february 1999, the Special Rapporteur sent an urgent appeal on behalf of Mahmud Ahmad Jallul, a cameraman for the official Lebanese television station, Tele-Liban. He had reportedly been detained incommunicado since 11 February 1999 when he was arrested. At the time of his arrest, he was allegedly beaten and bundled into a car by five unidentified plain-clothes men who showed no arrest warrant. Government sources reportedly confirmed that he was being held by the Lebanese authorities on charges of "collaboration with Israel" and spying for Mossad, the Israeli secret service. Furthermore, he was said to be suffering from high cholesterol and to require regular medication.

Follow-up to previously transmitted communications

721. By letter dated 7 December 1998, the Government responded to a communication sent by the Special Rapporteur on 3 September 1998 (see E/CN.4/1999/61, paras. 441-444). It indicated that the courts diligently safeguard human rights and are extremely eager to ensure that no right is violated.

722. Concerning Antoinette Yusuf Chahin, the Government indicated that the security officers who had allegedly tortured her while she was questioned had denied in court, after taking the oath, that she had been subjected to any form of torture. A medical examination requested by the first examining magistrate is said to have found no anomaly attributable to torture.

723. Concerning the death of Munir Mtanios, the Government indicated that medical reports clearly showed that he had died as a result of a severe heart attack. His body had showed no trace of violence or assault.

724. Concerning the death of Tareq al-Hassaniyah, the Government indicated that during his detention at the Beit ed-Din police station, he beat his head against the walls and iron door of his cell after being found to have committed a number of thefts. According to the Government, this caused a haemorrhage in his head, as a result of which he rapidly died before the staff of the police station could transfer him to the hospital. An investigation confirmed that his death was not caused by torture.

Malaysia

Regular communications and replies received

725. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information on the two following cases.

726. Dr. Munawar Anees was reportedly arrested on 14 September 1998 under the Internal Security Act (ISA) and was allegedly subjected to severe physical and psychological pressure during incommunicado detention to confess to sexual acts with Anwar Ibrahim on behalf of whom the Special Rapporteur intervened in October 1998 (see E/CN.4/1999/61, para. 458). On 19 September 1998, he was reportedly convicted of "unnatural offences" under section 377D of the Penal Code, after he pleaded guilty. He later reportedly appealed his conviction and sentence, claiming that his confession had been coerced. During his prolonged interrogation, he was shaved bald, verbally insulted and threatened, stripped naked and forced to mimic homosexual acts. He was allegedly held in a tiny windowless cell and deprived of sleep.

727. Sukma Darmawan, the adopted son of Anwar Ibrahim's father, was reportedly arrested on 6 September 1998 and was held in incommunicado detention for 15 days. On 19 September 1998, he was also convicted after he pleaded guilty to "having allowed himself to be sodomized by Anwar Ibrahim". He was then reportedly transferred to Bukit Aman federal police headquarters where he was detained incommunicado. During his prolonged interrogation by police in order to make him confess, he was allegedly subjected to severe psychological and physical pressure, including being stripped naked in a cold room, humiliated, struck, and threatened with indefinite detention under the Internal Security Act (ISA). Police are said to have humiliated him by making him stand naked and by groping his genitals and pinching his nipples while taunting him with humiliating words. He was allegedly placed in a small, damp and cold cell. In May 1999, the High Court is said to have dismissed his appeal against his conviction and sentence, stating that there was no miscarriage of justice because he had admitted to the facts. He reportedly appealed the ruling.

Urgent appeals and replies received

728. On 24 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Shaharudin Abdul Kadir. He had reportedly been detained incommunicado under the ISA at his home in the early hours of 19 February 1999. He had reportedly been detained under suspicion of association with the Reformasi movement for social and political reform in Malaysia. By letter dated 19 March 1999, the Government replied that he had been arrested on suspicion that he was

involved with a syndicate that forged temporary work permits, the official documents of the Malaysian Immigration Department enabling foreigners to stay, work and move freely in the country. It further replied that his involvement with the syndicate was a serious offence, affecting national security. The Government stated that his detention was therefore in accordance with the law and rejoined that information transmitted that he was reportedly detained because of his association with the Reformasi movement was inaccurate. In relation to fears of torture, the Government stated tnat they were equally unfounded.

729. On 15 April 1999, the Special Rapporteur sent an urgent appeal on behalf of Tian Chua, chairperson of the Malaysian Peoples' Coalition and several other individuals, including Abdul Malek Hussein. They had reportedly been assaulted while they were carrying out a peaceful protest, near the National Mosque in Kuala Lumpur against the judgement under which the former Deputy Prime Minister, Anwar Ibrahim, was sentenced to six years' imprisonment. He reportedly appeared to have sustained serious injuries to his body and limbs and his face was reported to be swollen and bleeding. It was claimed that he was denied medical attention. The Special Rapporteur had already sent information concerning Tian Chuan in relation to previous allegations of torture after his arrest on 21 November (see E/CN.4/1999/61, para. 459). Abdul Malek Hussein recently lodged a complaint of torture while in police custody.

Follow-up to previously transmitted communications

730. By letter dated 24 December 1998, the Government responded to an urgent appeal sent by the Special Rapporteur on 1 October 1998 on behalf of Dato' Anwar Ibrahim (see E/CN.4/1999/61, para. 458). The Government indicated that on 29 september 1998 the Chief Prosecutor had informed the court that Anwar Ibrahim had alleged that he had been beaten while in police custody. Thus, an independent team of police not involved in the case investigated his allegations. On 20 November 1998, the team reportedly submitted its findings to the Attorney-General who, at the time of the reply, was reviewing them. The Government enclosed a list of all the persons arrested under the ISA. They had all been released between the end of September and mid-November 1998, except S. Nallakarupan, who had been charged under section 57 (1)(b) of ISA with unlawful possession of ammunition. His trial was said to have been postponed to 25 January 1999.

Mali

Regular communications and replies received

731. By letter dated 3 September 1999, the Special Rapporteur advised the Government that he had received information concerning the following cases.

732. The persons detained by the State security police and the gendarmerie were reportedly chained hand and foot. Some, including Roger Alfred Dao, are said to have been detained under these conditions for six months. Throughout his detention he allegedly had no contact with the outside world and did not see the light of day. He reportedly had to relieve himself into plastic bags which were removed once a week.

733. Mady Kamakoye Diallo, former minister in the government of President Moussa Traoré, and six soldiers, Moriba Dailla, Yacouba Traoré, Roger Alfred

Dao, Abdou Kemenani and Amara Berthé, detained since October 1996, and Yacouba Keita, detained since December 1996, are all said to have been accused of attempting to overthrow the Government and threatening the security of the State and to have been sentenced to between 15 and 18 months of imprisonment by the Bamako Assize Court. At the time of their arrest, they were allegedly interrogated by the State security police for more than five days and held incommunicado for more than 15 days. Mady Kamakoye Diallo was reportedly held incommunicado for four days, while Amara Berthé was brought before a judge more than 45 days after his arrest. During their trial, in March 1998, they are said to have testified to having been tortured while in police custody. At their trial, the six soldiers reportedly still bore traces of the torture they had suffered months earlier while being held in custody. It is alleged that they were hit, had their hands and feet chained and, after being sprayed with water, were forced to kneel in the courtyard of the police station and undergo a mock execution, as well as being made to go without food and water for three days and deprived of sleep. It seems that Mady Kamakoye was not physically tortured, but was deprived of sleep, while threats were made against his family. The men are said to have been heard by a judge in the presence of their alleged torturers. The Assize Court is understood to have taken the police reports into account, despite their testimony.

Mexico

Regular communications and replies received

734. By letter dated 8 October 1999, the Special Rapporteur advised the Government that he had received information concerning the following cases. By letters dated 27 October and 15 December 1999, the Government replied to several of the cases mentioned in the Special Rapporteur's letter.

735. Alfonso Martín del Campo Dood, a United States national, is said to have been tortured by at least ten policemen in the office of the commander of the Benito Juárez police station, on 29 May 1992. At present, he is believed to be being held in the Pachuca Hidalgo Social Rehabilitation Centre (CERESO). He is reported to have been forced to sign a statement assuming responsibility for the murder of his sister Juana Patricia Martín del Campo Dood and her husband. He appears not to have had the benefit of legal assistance at the time of his statement was made. The judicial police officer Sotero Galván Gutiérrez was found liable under the administrative discipline procedure for having arbitrarily arrested and beaten Alfonso Martín del Campo. The officer is understood to have been disqualified for a period of three years. On the other hand, three other officials of the Public Prosecutor's Office were found not to be liable. Alfonso Martín del Campo was reportedly found guilty of double homicide and sentenced to 50 years imprisonment. The Fourth Collegiate Criminal Court in the Federal District apparently did not accept a direct amparo application. Likewise, Alfonso Martín del Campo's application to the High Court of Justice in April 1999 for recognition of his innocence appears to have been disallowed. Despite the fact that Mr del Campo is said to have lodged a criminal complaint for torture against the judicial police allegedly involved, no proceedings appear to have been taken against any of them.

736. By letter of 15 December 1999, the Government advised that the National Human Rights Commission (CNDH) had opened five dossiers relating to complaints made by Alfonso Martín del Campo Dood; according to the first dossier, dated 6 January 1998, the complainant had been arbitrarily arrested and tortured by

officials of the Federal District Government Procurator's Office. The CNDH is said to have closed this dossier on 23 April 1998 because the Procurator's Office had instituted official liability proceedings against Juan Marcos Bodillo Sarabia, Javier Zamora Cortés and Sotero Galván Gutierrez, in their capacity of public servants, without arbitrary arrest and torture having been proved. The Government also advised that the second dossier had been opened by the CNDH on 7 August 1998 with the authorities of the Oriente remand prison being accused of responsibility for alleged violations of the human rights of Martín del Campo. According to the information received, this dossier was closed on 22 October 1998, the question having been settled during the trial. Martín del Campo is said to have asked the CNDH to obtain his transfer to another prison. This was apparently refused by the Pre-Trial Detention and Social Rehabilitation Directorate because the CNDH is not competent to deal with this type of request. The dossier is reported to have been closed on 25 January 1994. The third dossier was opened in response to a petition for early release by the person concerned. This was closed on 29 June 1994 for the same reasons as mentioned above. The Government noted that on 21 July 1994 the CNDH opened another dossier because of the mistreatment allegedly suffered by Martín del Campo during his transfer to the Pachuca Hidalgo Social Rehabilitation Centre (CERESO) which had been authorized by the Ministry of the Interior. According to the information provided, the CNDH issued a recommendation which appears to have been implemented, the complainant having been admitted to the Tula de Allende CERESO on 23 June 1996. It was reported that an investigation had been opened into a homicide for which Martín del Campo was alleged to be responsible. As far as the officials are concerned, Sotero Galván Gutierrez is said to have admitted to having beaten Martín del Campo Dood and to have been dismissed and disqualified from holding a position as a public servant; Juan Marcos Badillo Sarabia and Delfino Javier Zamora Cortes were found not to be officially liable for the alleged infringements.

737. Alma Delia Laurel Benítez, a student, and the peasant Justino Bolaños Rodríguez, both aged 20 and living in the community of Zacualpán, municipality of Atoyac de Álvarez, are reported to have been arrested with violence on 17 April 1999 by two members of the State Judicial Police who were not in uniform and were carrying heavy-calibre weapons. The two policemen took them to the Tecpan de Galeana CERESO, where they are said to have been tortured physically and psychologically. It is alleged that both were forced to sign a statement under torture.

738. According to the Government, Alma Delia Laurel Benítez and Justino Bolaños Rodríguez were arrested for abduction, on the basis of the facts established in preliminary investigation No. GALE/ATOY/115/04/99 which is available in the office of the public prosecutor for non-federal offences of the judicial district of Galeana, Guerrero. Consequently, on 17 April 1999, they were lawfully arrested and made a statement acknowledging their participation in the abduction.

739. On 1 February 1999, approximately 150 heavily armed municipal, anti-riot and State judicial police officers are reported to have attacked, beaten and arrested more than 300 indigenous Nahua and Otomí. Two helicopters allegedly dropped tear gas on men, women, children and old people. As a result, a number of people apparently suffered broken arms and ribs and at least ten others are said to have been injured so seriously that they had to be taken to hospital in Tampico and Pachuca. According to information received on 18 March 1999 by the Special Rapporteur, all those detained had been released, although charges were

still in effect against some of them, including Rosa Hernández, President of the Union of Women, Juan Bautista Hernández, Nicolás Flores Hernández and Nicolás Martínes, who had been freed on bail.

740. Esperanza Parra Batiz, Guadalupe Hernández, Rubén Barrios Méndez, Heraclio Blanco Sánchez, Víctor Alejandro Navarro de Lira, aged one year and five months, and twenty others, including women and children, are reported to have been removed by force from the offices of the Ministry of Education and Culture (SEC) by a group of approximately 60 heavily armed ministry police in Fresnillo, Zacatecas, on 18 December 1998. It is alleged that even though the evacuation was peaceful as far as the demonstrators were concerned, when they asked for permission to collect belongings that had been left behind, the police proceeded to abuse, assault and beat them, mainly on the abdomen and back, with the result that Esperanza Parra Batiz, Guadalupe Hernández, Rubén Barrios Méndez, Heraclio Blanco Sánchez and Víctor Alejandro Navarro de Lira were injured.

741. Juan Chivarras de la Cruz, Miguel Hernández de la Cruz and Isidoro López Díaz were allegedly tortured by members of the Mexican Army on 20 December 1998. Following the discovery of the dead body of Phillip True, a United States journalist, who had been strangled, members of the Mexican Army are said to have tortured Isidoro López Díaz in the community of San Sebastián, Teponahuaxitlan, in order to discover the whereabouts of Juan Chivarras de la Cruz and Miguel Hernández de la Cruz. Afterwards, they reportedly arrested the two latter and extracted statements from them under torture. Both apparently confessed to having strangled Phillip True, although the results of a second autopsy, carried out by a United States forensic expert, are said to have shown that True did not die of strangulation but as a result of being beaten.

742. By letter dated 15 December 1999, the Special Rapporteur received information from the Government concerning the case of Juan Chivarras de la Cruz, Miguel Hernández de la Cruz and Isidoro López Díaz. According to this information, the Human Rights Commission of Jalisco State had sent the CNDH a dossier establishing that between 15 and 17 December 1998 units of the armed forces arrived at the village of Almoltita to investigate the death of the United States journalist Phillip True and track down the suspects, Juan Chivarras de la Cruz and Miguel Hernández de la Cruz, who were arrested on 24 December 1998 and turned over to the Government Procurator of Jalisco State. CNDH inspectors came to San Sebastián Teponahuaxtlán to gather information and obtain the relevant reports from the authorities. A dossier is being compiled within the context of the prosecution of Juan Chivarras de la Cruz and Miguel Hernández de la Cruz for aggravated homicide and aggravated assault in the case of the murder victim Phillip True.

743. Arturo Ríos Morales is reported to have been arrested on 23 September 1998 by four members of the State judicial police on Avenida de Cuauthómoc in the city of Acapulco, Guerrero. He is said to have been taken with a hood over his head, handcuffed and legs bound to the office of the judicial police commander where he remained for three or four hours. After being untied, he was allegedly taken to a van and left lying on the seat for some four hours. Three or four other people then entered the vehicle and three of them got on top of the body of Arturo Ríos Morales, poured water through his nose and stuffed a rag in his mouth, over a period of approximately two hours, to make him confess to abductions and murders that had taken place in the village of El Quemado. The next day he was reportedly driven to El Quemado and taken on foot along the road

to Xoyamichal. When the party reached a river, he was allegedly held under water several times to make him confess to the above-mentioned acts. They then went on to Coyamichal where Arturo Ríos Morales had told them he was holding someone he had abducted. After finding that this was not true, it is alleged that the police officers beat him and two of them pointed a shotgun and a pistol at him. Getting no response, they decided to take him to the office of the State judicial police commander in the Jardín Sector. He was then reportedly held incommunicado from 24 September to 30 September, receiving food on only four occasions. The next day he was turned over to the government procurator for non-federal offences in Atoyac de Álvarez to make a statement. The attorney Alanis Santos is alleged to have said, at first glance, that Arturo Ríos Morales "had not even been beaten". Arturo Ríos Morales reportedly stated that he had been tortured by Commander Javier Villalobos and men under his command. It appears that he also complained to the State Human Rights Commission which certified the following injuries: nasal abrasions around the septum, inflammation of the right posterior part of the head caused by a blunt instrument and abrasions on the right wrist, also caused by a blunt instrument.

744. In connection with the case of Arturo Ríos Morales, the Government noted that the Human Rights Commission had decided to open a dossier. The dossier is currently in the process of being compiled.

745. Elvia García Quiñonez, aged 18, is reported to have been arrested on 14 October 1998 by two members of the State judicial police in Atoyac de Álvarez, Guerrero State. She is said to have then been bundled into a patrol-car, roughed up and threatened. She was driven towards Acapulco and transferred into another vehicle in which she was beaten and threats were made. It is alleged that she was then taken to the Commander's office where she was handcuffed with her hands behind her back, blindfolded and beaten in order to extract a confession concerning a case of abduction. From there she was taken to Chilplancingo where she was ordered to cooperate and offered money if she would incriminate others. One of the officers is said to have told her that he had come from Mexico City with orders to kill her. Elvia García's head was allegedly forced into a water tank and she was beaten on the ribs; she was taken to a hotel in the suburbs of Chilplancingo where she was left handcuffed and blindfolded until the next day when she was taken back to Chilplancingo where she was tortured and threatened with death. When Elvia García told the officer in charge that two of her uncles were generals, he ordered his men to leave her alone and stop beating her. She is understood to have been released on 16 October 1998.

746. Lorenzo Téllez González was reportedly thrown to the ground and beaten by four members of the Office of the Attorney-General of the Republic (PGR) in Independencia Street, in the centre of Atoyac de Álvarez, Guerrero State, on 14 November 1998. He was subsequently blindfolded and is presumed to have been taken to Acapulco where he apparently received further blows and electric shocks. Lorenzo Téllez is said to have been threatened with death if he made an official complaint. Afterwards it became known that 12 other people from the Atoyac area had also been arrested, including Margarito Arreola. Threats were allegedly made to kill her 14-year old son if she did not confess to being a member of the People's Revolutionary Army.

747. According to information received from the Government, the PGR has not opened a preliminary investigation or a detailed report on the case of Lorenzo

Téllez González. The CNDH has sent the Government a dossier which is currently being processed.

748. Luis David Villavicencio Mares was arrested on 1 August 1998 by two judicial police officers because of his suspected involvement in a robbery. They allegedly put him in one vehicle and then transferred him to another in which there were two other officers who, together with those who had arrested him, interrogated and beat him. Afterwards, he is said to have been turned over to Investigation Bureau 50 at Arcos de Belén 23, where he was taken into a room in which there were eight more officials of the Federal District Government Procurator's Office (PGJDF) and where plastic bags were placed over his head. He was reportedly beaten all over his body and kicked and punched in the thighs, back, chest and ribs. The torture is alleged to have continued until a confession was obtained. After several hours, four other persons told him that he would have to make a statement and would have tell the doctor who examined him that he had had a fall at work, in order to account for his injuries. This version of the facts was apparently that which David Villavicencio gave to the public prosecutor and which he later denied, saying that the initial version had been prompted by his fear of the threats made against him. In his second statement he is said to have provided information about the officers who arrested and tortured him. The medical certificates apparently confirm the credibility of the second statement. On 3 August 1998, Luis David Villavicencio Mares reportedly complained to the Federal District Human Rights Commission. The Human Rights Commission's investigation ended in the adoption of Recommendation 3/99 of 1 March 1999 which calls, inter alia, for the initiation of disciplinary proceedings to establish the possible official and criminal liability of the public servants involved. On 22 March 1999, the Legal and Human Rights Sub-Office of the PGJDF accepted Recommendation 3/99, though subject to certain considerations.

749. By letter dated 15 December 1999, the Government provided information on the case of Luis David Villavicencio Mares. A recommendation by the Human Rights Commission concerning his alleged unlawful arrest and torture, naming officials of the PGJDF, was reportedly sent to the PGJDF on 1 March 1998. This recommendation had been partially implemented and an administrative procedure had been initiated with a view to investigating the prosecution service officials José Cuitláhuac Salinas Martínez, Gabriel Zermeño Rosas, Aureliano Delagado Navas and Jorge Jiménez Vega.

Urgent appeals and replies received

750. On 4 May 1999, the Special Rapporteur forwarded an urgent appeal on behalf of Abel Vega Cortés, Felipe Lucio Mendoza Ángel, Juan Manuel Tovar Fuentes, Alejandro Santés Córdova, Ángel Remigio Figueroa Bustos, Sergio Sahagón Morales, Lorenzo Ramírez Hernández, Gustavo Ramblas Ramírez, Josué León Ramos, Juan Gallegos Quintanilla, Efrén Marmolejo López, Eli Ochoa Gómez, Antonio Cárdenas Chacón, Eleazar Faustino Jesús, Ángel Yopihua Villagrán, Salvador Osorno Benítez, José Luis Lozada Loaliza, Melitón Sánchez Salazar, Ciro Robledo Hernández, Ricardo Fuentes García, Abel Guillermo Hernández Rosales, Víctor Manuel Valdés Cruz and Hildegardo Bacilio Gómez, soldiers forming part of the so-called "Comando Patriótico de Concienciación del Pueblo" whose aim is said to be to make the public aware of how soldiers of all ranks are being treated. The above-mentioned individuals were reportedly arrested on 20 March 1999 and sent to the installations of the First Military District in Mexico City. Their arrest was apparently connected with a demonstration staged by a group of approximately

50 soldiers of the Mexican Army, including the persons arrested, on 18 March in Mexico City in protest against alleged violations of their human rights, their pay and the military code under which they are tried. It is understood that, on 22 March 1999, the persons arrested were transferred to the Military Prison of the 15th Military District and to the Fifth Military Region with headquarters at Guadalajara, Jalisco, as well as to the Third Military Region with headquarters at Mazatlán, Sinaloa.

751. On 19 May 1999, the Special Rapporteur and the Special Rapporteur on extrajudicial, summary and arbitrary executions, forwarded a joint urgent appeal concerning the following situation: on 20 April 1999, the peasant Evaristo Albino Téllez, aged 27, and Antonio Mendoza Olivero, a child aged 12, reportedly left Barrio Nuevo San José, part of the autonomous municipality of Rancho Nuevo Democracia, Guerrero State, to get in their harvest. When they failed to return, on the following day the sister-in-law of Evaristo Albino Téllez, Francisca Santos Pablo, aged 33, and the boy's grandmother, Victoriana Vázquez Sánchez, aged 50, went out to look for them. When the women reached the plot of land, they encountered many soldiers, who had made an incursion into the Mixtec indigenous area of the municipality of Tlacoachistlahuaca on 19 April 1999. When they saw the soldiers, the women tried to flee but were allegedly caught and raped by the soldiers. The two women managed to get back and tell community leaders what had happened. According to the information received, the soldiers patrolled the plot of land for several days, so that no one from the community dared go near the place for fear of new attacks. On 28 April 1999, after the soldiers had left the area, traces of blood, the child's sandals, cartridge cases, blood-stained rubber gloves and a mask were found there. While the soldiers were at the site, they also allegedly beat and stripped Rufino Ramirez Santos and beat a 10-year-old girl who was with him. These facts were reported to the National Human Rights Commission and the State Human Rights Commission. They were also reported to the Public Prosecutor's Office in Ometepec and to the judge of the court of first instance in the same place, who for two days allegedly refused to grant the equivalent of a habeas corpus application as long as Antonio Mendoza and Evaristo Albino did not appear before the authorities. On 7 May 1999, the State Human Rights Commission is said to have informed the relatives of Antonio Mendoza and Evaristo Albino that they had been killed by soldiers who claimed that Evaristo and Antonio had fired shots at them. According to the information received, the Public Prosecutor's Office of Ometepec, where the dead bodies had been taken, knew of the deaths of Evaristo and Antonio well before the family was informed. When relatives consulted the coroner's office (SEMFO) in Acapulco, Guerrero, they learned that Antonio Mendoza had bled to death from a single gunshot wound in the leg.

752. The Government replied to this urgent appeal by letter dated 17 August 1999. With respect to Evaristo Albino Téllez, Antonio Mendoza Olivero, Francisca Santos Pablo and Victoriana Vázquez Sánchez, the Government stated that the ongoing inquiries showed that the actions of the military personnel had always been strictly correct and in compliance with the Constitution and the applicable law; the allegation that military personnel were in the neighbourhood of the community Barrio Nuevo San José on 20 April 1999 was false since they were in the Romano base of operations north of the village of San Miguel Tejalpan, in the municipality of Tlacoachistlahuaca, Guerrero; it was untrue that for no reason whatsoever military personnel had molested and caused the death of Evaristo Albino Téllez and the child Antonio Olivero and that Francisca Santos Pablo and Victoriana Vázquez Sánchez had been raped by soldiers. The Government

indicated that as soon as more details were available as a result of the CNDH inquiry, they would be made known.

753. On 29 July 1999, the Special Rapporteur forwarded an urgent appeal on behalf of the ecologists Rodolfo Montiel Flores and Teodoro Cabrera García. According to the information received, they were arrested by soldiers on 2 May 1999 in Pizotta, Guerrero State, and were being held in Iguala prison, Guerrero State. According to the source, both were beaten by the soldiers and Montiel Flores was apparently in very poor condition after having been tortured with electric shocks to the genitals during his imprisonment. According to the information received, Montiel Flores had inflamed testicles and is in urgent need of medical treatment, treatment which the prison medical service is probably unable to provide. Both detainees had been made to confess that they were members of an armed opposition group and drug traffickers. They were reportedly forced to have their picture taken carrying arms and dressed as soldiers.

754. On 10 August 1999, the Special Rapporteur and the chairman/rapporteur of the Working Group on Arbitrary Detention forwarded a joint urgent appeal on behalf of Natividad and Victoriano Parra Florez who, with two more of their brothers, Jesús, aged 18, and Manuel, 16, were arrested on 28 July 1999 at their home in Mexcaltepec, municipality of Atoyac de Álvarez, by officers of the judicial police (a fifth brother Andrés was arrested some time afterwards). They were first taken to the judicial police academy in Atoyac de Álvarez and then to Tecpan prison in the municipality of Galanea, Guerrero State, where at the time they were still being held. Natividad and Victoriano Parra Florez were tortured while being conveyed to the judicial police academy. As a result, Natividad had blood in his urine and Victoriano had bruises all over his face and body.

755. On 16 November 1999, the Special Rapporteur forwarded an urgent appeal on behalf of Gloria Arenas Ajis, Felicitas Padilla Nava, Fernando Gatica Chino and Jacobo Silva Nogales who were reportedly arrested on 22 October 1999 on suspicion of having been members of the armed opposition group Ejército Revolucionario del Pueblo Insurgente. Since then they have allegedly been kept incommunicado in Cefereso de Almoloya, the high-security prison in Almoloya, Mexico State. Moreover, it is alleged that on 25 October the First District Court of Toluca, Mexico State, officially reported that Jacobo Silva Nogales had injuries to various parts of his body and that the four detainees claimed to have been physically and psychologically tortured. Felicitas Padilla Nava's interrogators are said to have threatened that her children would be killed unless she gave them information.

756. On 7 December 1999, the Special Rapporteur forwarded an urgent appeal on behalf of Benito García and Celerino García. Both were reportedly beaten while in custody and were at risk of being beaten again, in particular because their lawyers had not been allowed to see them. Benito García had bruising after being severely beaten by the State judicial police (PJE) over a period of three days. Celerino García's condition was not known. Both were said to be in the custody of the office of the public prosecutor of Valle de San Quintín, Baja California State, after having been arrested on 29 November 1999.

Follow-up to previously transmitted communications

757. By letter of 26 February 1998, the Government provided information concerning cases transmitted by the Special Rapporteur by urgent appeal dated

24 October 1997 relating to the following persons: Nicolás Santiago José, Sixto Santiago Antonio, Pedro Antonio José and Rafael José Miguel who were reported to have been detained by masked individuals in San Juan Ñumi, State of Oaxaca, on 16 and 17 October 1997 (see E/CN.4/1998/38/Add.1, para. 246). According to the Government, these persons were detained under a formal arrest warrant on the authority of the public prosecutor in the course of criminal proceedings against them, as they were suspected of involvement in the offences of unlawful imprisonment, homicide and clandestine burial. At no time had masked individuals participated in their detention nor had the detainees been subjected to violence.

758. On 5 November 1998, the Special Rapporteur transmitted to the Government information according to which several joint operations had been carried out by the army and the State judicial police in the area of San Agustín Loxicha, Oaxaca, between April and August 1997. As a result of those operations, several persons, who were thought to have disappeared, had been located in various detention centres, saying they had been subjected to torture and other forms of cruel and inhuman punishment (see E/CN.4/1999/61, paras. 461 and 462).

759. By letter of 26 November 1998, the Government provided information on the following cases: Juanuario Crispín Almaraz Silva and Eloy Hugo Almaraz Silva, who were allegedly arrested and tortured on 4 August 1997. Concerning Juanuario Crispín Almaraz Silva, the Government reported that after his arrest he had been taken to the social rehabilitation centre in Almoloya de Juárez, State of Mexico, and held in custody at the disposal of the First District Criminal Court. He had been physically examined by doctors of the Attorney-General's Office and found to have a linear abrasion on his right leg. He had complained to the Human Rights Commission of Oaxaca State. The First District Court in the State of Mexico had ordered that he be released for lack of evidence. According to the information provided by the Government, an interview given by the person concerned to the Oaxaca newspaper El Imparcial, including photographs, shows that the case is one of alleged non-compliance with a court order and that he had not suffered ill-treatment at any time while in custody. With respect to Eloy Hugo Almaraz Silva, the Government indicated that in this case no complaint had been lodged.

760. Ponciano García Pedro, Celso García Luna and Alfredo García Luna were reportedly arrested and tortured on 7 August 1997. The Government provided information on the reasons for their being arrested and held in custody. Members of the preventive police and the State judicial police had participated in the arrest.

761. Mario Cruz López was reportedly arrested on 20 August 1997 and tortured until his release a few days later. The Government advised that, according to the information supplied by the National Human Rights Commission, the complaint was based on his supposed disappearance and did not allege torture. No such allegations were subsequently made either by the initial complainant or by the person concerned, but an investigation was opened. As the person concerned failed to appear for an initial interview, arrangements had been made for a second visit to gather additional information. Moreover, the Government Procurator's Office of the State of Oaxaca had received a complaint concerning the alleged ill-treatment received by Mario Cruz López and had opened an inquiry.

762. By the same letter, the Special Rapporteur informed the Government of other communications received concerning cases of torture in Mexico. In the above-mentioned letter of 26 November 1998, the Government also provided information on the following cases.

763. On 7 August 1997, in Loxichas, Oaxaca, Silviano García Hernández and Herminio García Hernández were reportedly arrested and tortured by members of the judicial police working with paramilitaries (see E/CN.4/1999/61, para. 464). According to the Government, no complaint concerning their alleged disappearance has been received.

764. Daniel Colín Enciso, Juan Carlos Romero Peralta, Óscar Iván Mareno, Román Morales Acevedo, Carlos Alberto López Inés and Ángel Leal Olinares were reportedly arrested and tortured by police officials in the Buenos Aires district of Mexico City on 8 September 1997. Shortly afterwards their dead bodies were found (see E/CN.4/1999/61, para. 466). According to information provided by the Government, the Federal District Human Rights Commission (CDHDF) investigated the case and, on 18 November 1997, issued a recommendation addressed to the Federal District Government Procurator's Office. This recommendation urged the Government Procurator to begin an investigation as soon as possible in order to establish the facts and the material and non-material liability of those involved. In particular, with respect to the last three persons listed, the Government reported that complaints had been lodged with the General Coordinating Office for the Special Programme on the Presumed Disappeared of the National Human Rights Commission. On 5 June 1998, the Ninth Division of the High Court of Justice of the Federal District issued a detention order against three persons suspected of being responsible for the homicides described. This Division confirmed the detention order in the case of one of those suspected of the murder of Juan Carlos Romero Peralta, Daniel Colín Enciso and Iván Mora Lecea and ordered his release, for lack of evidence, in connection with the other three murders. For the same reason, it ordered the release of the other two persons involved. The possibility of separate prosecution for other offences such as false statements and concealment was left open. After the case had been examined by the CDHDF, on 18 November 1997 a resolution was issued insisting on a review of the contradictions revealed during the proceedings and the assessment of witnesses and the consideration of other possible offences involving the two individuals released.

765. Jorge Nava Avilés was reportedly arrested on 27 January 1997 in Jiutepec, Morelos, by agents of the preventive police of the State of Morelos and subsequently handed over to the State judicial police. His body was found on 29 January 1997 (see E/CN.4/1999/61, para. 469). The Government reported the opening of an investigation under the authority of the Attorney-General of the Republic. Following the preliminary investigation, criminal proceedings were instituted against an ex-coordinator and head of the anti-abduction group of the judicial police of the State of Morelos and three commanders and one agent belonging to the same unit. Except in the case of one of the commanders, criminal proceedings were also instituted for the offences of torture and homicide. Because of the seriousness of these offences no bail was allowed. On the basis of the same facts, the federal judge issued nine other arrest warrants against public servants of the State of Morelos.

766. Fredy Nava Ríos, aged 16, was reportedly arrested and tortured by soldiers in the military barracks of Atoyac, State of Guerrero, on 25 May 1997 and then disappeared (see E/CN.4/1999/61, para. 477). The Government reported

that the National Human Rights Commission, assisted by photographs provided by the family, had addressed inquiries concerning his whereabouts to various institutions on 21 August, 29 September and 31 October 1997. In some cases the results had been negative and in others replies were still awaited. On 20 October 1997, the National Human Rights Commission had issued a resolution addressed to the Military Government Procurator. The Commission pointed out that although there was still no conclusive proof of the responsibility of members of the Mexican Army, there was sufficient evidence of a genuine case of disappearance. The Government Procurator's Office of the State of Guerrero had sought information about the case on 4 February 1998 from the commanders of the judicial police in Chipancigo, Acapulco, Cd. Renacimiento, Yihuatanejo, Taxco de Alarcón, Huamuxtitlan and Tecpan de Galeana, State of Guerrero, after reporting on the same day that it was unfamiliar with the facts. The Procurator's Office was informed that there was nothing in the records to indicate that there had been any criminal proceedings against the person concerned, from which it concluded that Fredy Nava Ríos had not been arrested by members of the judicial police.

767. Aureo Mendoza Rosales was reportedly abducted on 3 September 1997 by members of the Anti-Abduction Group who, before killing him, allegedly tortured him in the Los Nardos district of the municipality of Yautepec, Morelos (see E/CN.4/1999/61, para. 470). The Government advised that the National Human Rights Commission was aware that Mr Mendoza's dead body had been found in the State of Morelos and would gather information and submit its conclusions to the General Coordinating Office for its Special Programme on the Presumed Disappeared.

768. Estanislao Gutiérrez González and Custodio Gómez Salvador were reportedly tortured by members of the 40th Infantry Battalion in the community of Monte Grande, municipality of Geyuen de Catalán Gro, State of Guerrero. The Government reported the opening of a dossier by the National Human Rights Commission. This dossier was in the process of being prepared with the First General Inspectorate, which had requested information from the authorities presumedly responsible.

769. The Government also provided information on the case of Salvador Mejía Calderón. According to the Government, an examination of the complaint lodged on 24 July 1998 found that it did not allege the responsibility of public authorities and the dossier had therefore been closed.

770. By letter dated 3 November 1998, the Government provided information concerning Rodrigo Cuauhtémoc Delgado Cordero, whose case was included in the Rapporteur's report on his visit to Mexico (see E/CN.4/1998/38/Add.2, Annex). He is alleged to have been arrested and tortured on 31 March 1996 in Tula, State of Hidalgo, by members of the State judicial police. The Government reported that he was arrested on suspicion of robbery with violence by members of the municipal public security service of Atilalaquia Higaldo and turned over to the public prosecutor of the Judicial District of Tula de Allente Hidalgo. He was convicted of the offence and the sentence was confirmed both on appeal and in amparo proceedings. It follows that the judicial police of Hidalgo State were not involved in the arrest and it was the victim of the robbery with violence who directly identified Rodrigo Cuauhtémoc to the public prosecutor as the person responsible for the offences of which he was accused. The Government confirmed this information by letter dated 15 March 1999.

771. By letter dated 27 October 1999, the Government replied to the cases transmitted by the Special Rapporteur in his letter dated 5 November 1998.

772. With respect to Herminio Sixto Sánchez (E/CN.4/1999/61, para. 479), the Government reported that after he had been detained in Ixotel Penitentiary, the Second Court of Oaxaca sentenced him to one year's imprisonment for public health offences connected with the harvesting of poppy plant resin, this penalty being replaced by the payment of a fine of 3,000 Mexican pesos. With respect to Cenobio Sixto Santos (ibid.), the Government reported that his bullet wound was the result of his being intercepted by the police and trying to fire on them and make his escape. After being admitted to hospital, he was turned over to the Board for the Protection of Minors which on 11 June 1998 found evidence of the offences of carrying an unlicensed weapon and possession of opium resin. On 25 June 1998, the Board released him unconditionally into the custody and responsibility of his father, Herminio Sixto Sánchez.

773. With respect to the case of Felipe Sánchez Rojas (E/CN.4/1999/61, para. 475), the Government indicated that on 22 April 1997 the Oaxaca State Human Rights Commission had ordered that the dossier be closed for lack of interest on the part of the complainant.

774. By letter of 15 December 1999, the Government forwarded information on the following cases.

775. In the case of Odilón Ambrosio Antonio (see E/CN.4/1999/61, para. 462), the Government reported that the CNDH had opened a dossier on the basis of complaints lodged by various NGOs drawing attention to violations of the human rights of inhabitants of the Loxicas area in Oaxaca. According to this information, the case was investigated by CNDH inspectors from 2 to 11 November 1997. Through an Oaxaca municipal official they held an interview with Catalina Antonia Rodríguez who on 17 July 1997, according to the information received, said that her son Odilón Ambrosio Antonio, aged 16, had been detained by officers of the State judicial police for more than 15 days, although he was currently free. The Government reported that in the case of Odilón Ambrosio Antonio the Oaxaca State Human Rights Commission had put together a file containing reports received by the Director of the State judicial police in which, according to the information received, it was indicated that its officers did not participate in the incident in question.

776. With respect to the case of Santiago Antonio Cisneros and Marcos Antonio Juárez (ibid.), the CNDH opened a dossier as a result of a complaint lodged by the Human Rights Centre Fray Francisco de Victoria for alleged violations of the human rights of inhabitants of the Loxicas area in Oaxaca and, in this case, for the alleged arbitrary arrest and torture of the persons mentioned. The Government reported that members of the State judicial police had apparently been singled out as suspects. According to the information received, this affair had been recorded in dossier CNDH/122/OAX/4247, dated 15 May 1998; the competent authorities are said to have stated that these persons were not arrested, threatened or tortured by members of the State judicial police.

777. The Government forwarded information concerning the case of Maximinio Sebastián Juárez (ibid.), according to which the CNDH reports that on 12 August 1997 agents of the State judicial police arrested him on a warrant issued against him by the Combined Jurisdiction Court of First Instance of the Judicial District of San Pedro Pochutla, Oaxaca, as probably responsible for the offence

of "incitement to rebellion and conspiracy", without, according to the information received, beating or torturing him, after which he was taken into custody.

778. In the same letter, the Government provided information regarding the case of Angel and Natanael Hernández Villa, according to which on 2 February 1998 the CNDH opened a dossier based on a complaint concerning irregularities attributed to the judicial police of the State of Morelos and the anti-abduction group, who were said to be using secret torture chambers, abductions and summary executions against, among others, the persons mentioned. According to the information received, this dossier was closed on 11 March 1998, as a result of the compilation of the dossiers that gave rise to recommendation 23/98, which is reported to have been partially implemented.

779. With regard to the cases of Pedro Anaya, Luis Hernández, Silvano López, Héctor Cruz, Juan Ulises García, Raymundo Armas, Guadalupe Segura, Mario Pérez, Homero López and Adán Chagoyan (ibid., para. 472), the Government reported that on account of the arrests made on 14 April 1998 in the Alameda Central of Mexico City the Federal District Human Rights Commission (CDHDF) made a request to the Department of Public Security for the persons in question be released or turned over to the public prosecutor. According to the information received, it was requested that officials of the Department of Public Security of the Federal District refrain from assaulting, threatening, arresting and otherwise ill-treating street children in the above-mentioned area. It was further requested that in the event of their being arrested their human rights be fully respected. On 23 April 1998, the CDHF is said to have been informed that instructions had been issued not to molest or assault street children; moreover, official liability proceedings had been instituted against the police officers alleged to have assaulted minors. This dossier was said to be in the process of being compiled by the CDHDF.

780. With respect to José Luis Blanco Flores (ibid., para. 473), the Government reported that the CNDH had opened a dossier as a result of complaints received on 10 April 1998 indicating that on 29 March 1998 members of the federal judicial police and the judicial police of the State of Guerrero had arrested José Luis Blanco Flores, tortured him and sent him to prison. According to the information received, the Commission for the Defence of Human Rights of the State of Guerrero had opened a dossier and located the victim. In view of his precarious state of health, the Commission is said to have asked the judge in the case to have him transferred to a hospital to receive medical attention. It is reported that a detention order was issued against Blanco Flores on 3 April 1998 for the aggravated abduction of Pablo Gerardo Morales Román while, according to the information received, a release order was issued for lack of evidence of the offence of criminal association against the public interest.

781. With respect to Felipe de Jesús Barrón Chávez (ibid., para. 480), the CDHDF is reported to have received, on 10 April 1998, complaints from the aforementioned who claimed to have been beaten by agents of the public security service and arrested without good cause. An administrative proceeding had been initiated with a view to ascertaining the facts.

Observations

782. The Special Rapporteur is grateful for the responses on numerous individual cases referred to in his report on his visit (see E/CN.4/1998/38/Add.2, and Addendum 1 to the present report). He notes that they are mainly confined to cases that have been investigated by the National or the State Commission of Human Rights, with several others indicating merely that there is no information with either such Commission. As noted in paragraphs 62 and 63 of Addendum 1 to the present report, a case-by-case approach is inadequate to solve the problem. In the report on his visit, the Special Rapporteur made a number of legal and institutional recommendations, the implementation of which would be necessary to make a serious impact on the problem of torture and similar ill-treatment in Mexico. He regrets the absence of any information from the Government concerning follow-up to his recommendations and notes information from non-governmental sources, according to which there has been no such follow-up. He commends these recommendations to the urgent attention of the Government of Mexico in the hope that serious action in the coming year will indicate the existence of the necessary political will substantially to improve the situation.

Morocco

Regular communications and replies received

783. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information concerning the following case.

784. Mahmoud Boumahdi, a former member of the Polisario Front, was allegedly arrested on 26 April 1999 and taken to the headquarters of the so-called T-Brigade of the Royal Gendarmerie in Khabar where he was tortured by the adjutant-commander. He is reported to have been partially paralysed down the left side and suffered a serious nasal haemorrhage and a pierced left ear drum. Medical reports, copies of which are in the hands of the Special Rapporteur, appear to bear out what he says. They confirm the existence of a post-traumatic left hemiplegia. Apparently, the next day he was taken by gendarmes to Hassan II Hospital in Dakhla, then transferred five days later to the neuropsychology service of Ibn Sina Hospital in Rabat. He is reported to have lodged complaints with the local authorities in Dakhla and with the General of the Royal Gendarmerie.

785. By letter dated 8 November 1999, the Special Rapporteur drew the Government's attention to a number of cases which he had transmitted in 1996 without yet having received a reply.

Urgent appeals and replies received

786. On 12 July 1999, the Special Rapporteur sent an urgent appeal on behalf of Lili Bachir Lebaouihi, Souda Mohamed Cheikh, Ment Abdati Ould Babit, Ment Fadli Ould Babit and his sister, Ould Mustapha Ould Rami and Ment Boutabaa. They are said to have been part of a group of twenty or so students from the schools of Bir Anzaran and El Khansa, all minors, and were reportedly arrested on 7 June 1999 at El Aaiun, in Western Sahara, for being tattooed with symbols of support for the Polisario Front independence movement. They were allegedly ill-treated at the time of their arrest and then taken to a secret place.

787. On 5 October 1999, the Special Rapporteur sent an urgent appeal on behalf of demonstrators, mainly students of Sahaouri origin, reported to have been arrested at Laayoune, in Western Sahara. On 22 September 1999, the police are said to have violently dispersed a sit-in organized by the Sahaouri students who were asking for financial assistance from the Government to enable them to study. Dozens of students were allegedly struck and several of them, including three women, had to be hospitalized with broken ribs and head wounds. Dozens of others are said to have been arrested. On 27 September 1999, a hundred or so demonstrators protesting against the way in which the students had been dispersed on 22 September and demanding that those responsible be brought to account were reportedly arrested in their turn. Following further demonstrations, many people were apparently released.

788. By a letter dated 13 December 1999, the Government replied to this urgent appeal, indicating that the judicial police of Laayoune had drawn up a number of reports on offenders who had taken advantage of the organization of a sit-in by the students on the public highway to foment disturbances, which had caused material damage. These individuals, caught in the act, had been brought before the Court of Appeal in Laayoune for theft and the destruction of property and documents. According to the Government, on 8 October 1999, the criminal division found them guilty and handed down sentences varying from 10 to 15 years imprisonment. This judgment had been appealed before the Supreme Court. Other individuals found guilty of theft, insulting a police officer and the use of violence were given suspended sentences ranging from one month to one year. In addition, the juvenile magistrate had placed three minors in child protection centres at Agadir and Benslimane.

Observations

789. The Special Rapporteur draws attention to and shares the concerns raised by the Human Rights Committee in its conclusions and recommendations on the review of the country's periodic report under the International Covenant on Civil and Political Rights, in respect of "the number of allegations of torture and ill-treatment of detainees by police officials [which] have been dealt with, if at all, only by disciplinary action and not by the imposition of criminal sanctions on those responsible for such violations" (CCPR/C/79/Add.113, para. 16). The Committee against Torture has expressed similar concern (A/54/44, para. 195).

Myanmar

Urgent appeals and replies received

790. On 28 July 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on behalf of Thaint Wunna Khin, aged 3, Ma Khin Khin Leh, U Aye Swe, Daw Tin Tin, Kyaw Kyaw Oo, U Zaw Myin, Daw Tint Tint, Ko Zaw Zaw Latt, U Ba Chit, U Ye Tint, U Win Myint, Dr. Shwe Bo, Ma Thida Htway, Ko Lwin Moe Myint, Ko Myint Oo, Ko Ah Thay Lay, Ko Hla Win, and two unnamed female physicians, who had reportedly been arrested between 19 and 23 July 1999 in Pegu, central Myanmar. Most were allegedly arrested because of their involvement in a march which was planned on 19 July 1999, the 52nd anniversary of the assassination of General Aung San. Military Intelligence (MI) reportedly looked for Kyaw Wunna, one of the activists organizing the march, and when they did not find him, arrested his 3-year-old daughter, Thaint Wunna Khin, and his wife, Ma

Khin Khin Leh, on 19 July 1999. Six more members of Kyaw Wunna's family were allegedly arrested on 23 July 1999. The remaining 11 people, who were reportedly distributing pamphlets, were arrested between 19 and 24 July 1999.

791. By letter dated 11 August 1999, the Government replied that the allegations were untrue, and questioned the sources of information. It further replied that some of the individuals had been called in for questioning by the authorities in Bago on 17 July 1999 in connection with the discovery of pamphlets, printed by the outlawed All Burma Students Democratic Front (ABSDF) armed terrorist group, calling for civil unrest at the residence of Kyaw Wunna and in other places, as well as for their involvement with ABSDF. The Government stated that it is against the law to be involved with armed terrorist groups.

Follow-up to previously transmitted communications

792. By letter dated 22 December 1998, the Government responded to a number of cases sent by the Special Rapporteur on 29 September 1998 (see E/CN.4/1999/61, para. 490 and following).

793. Concerning James Leander Nichols (ibid., para. 491), the Government indicated that he had been well looked after and had been given full and proper medical treatment while in detention at the Insein Jail and that he died of natural cause at the Yangon General Hospital on 22 June 1996. The Government recalled that he had a long history of ser.ous health problems, including high blood pressure, an ear ailment, glaucoma in the right eye and diabetes. On 22 June 1996, he suddenly collapsed and lost consciousness and was transferred to the hospital. An autopsy established that the cause of his death was cardiac disease.

794. Concerning Zai Nyunt (ibid., para. 494), as well as Zarae Wan Na, Mu Ling, Pu Zan Da, Ar Law Ka, Ai Long and Zai Saw (ibid., para. 498) and Loong Awng La, Pa Leng and Nang Nu Harn (ibid., para. 500), the Government indicated that the allegations were unfounded.

795. On 2 February 1999, the Government sent an information note concerning U Ohn Myint. The Government indicated that out of consideration for his age and respect for his family, he had been granted a pardon and released from prison on 20 January 1999. The Government indicated that he was a member of the National League for Democracy and had been sentenced on 28 April 1998 to seven years' imprisonment after he was found guilty of working with underground organizations and attempting to create misunderstandings between the Government and ethnic groups.

796. On 11 February 1999, the Government sent an information sheet concerning Dr. Thida Ma Thida (f) who had been pardoned and released from prison on 11 February 1999. The Government informed the Special Rapporteur that she had been sentenced on 15 October 1993 to a total of 20 years' imprisonment after having been found guilty of illegal distribution of materials published by armed terrorist groups and unlawful organizations.

Namibia

Urgent appeals and replies received

797. On 13 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Joseph Muchali, Gabriel Mwilima, Godfrey Mwilima, Alen Sameja, Albert Sibea, Martin Sichimwa Mutamba, Bolen Mwilima, Stephen Ntelamo, Cassius Mwala Mutame, Nicky Simasiku Mutame and an estimated 500 Caprivians who had allegedly been arrested following a declaration of a state of emergency in the Caprivi strip in the aftermath of an armed attack in the main town of Katima Mulilo by a group linked to the secessionist movement led by exiled Mishake Muyongo. Gabriel Mwilima and Joseph Muchali, human rights monitors for Namibia's National Society for Human Rights, were reportedly arrested on 4 August 1999 by members of the Namibian security forces. Mwilima was allegedly assaulted at the time of his arrest with the butts of guns by a group of Namibian Defence Force (NDF) members. Godrey Mwilima, a former opposition parliamentarian, was reportedly arrested on 4 August and assaulted with the butts of guns by NDF members. He was reported to have suffered a broken jaw. Alen Sameja, who was attached to the Caprivi Regional Governor's office, was allegedly arrested in Katima Mulilo on 2 August 1999 and was subsequently admitted to the State Hospital with serious injuries, including a broken back. Albert Sibea and Martin Sichimwa Mutamba, both teachers in Katima Mulilo, were allegedly arrested on 7 August 1999 at Ongwediva. Bolen Mwilima, a teacher in Katima Mulilo, was arrested on 2 August, along with four young men. Stephen Ntelamo, a teacher at Masida School, was allegedly arrested on 4 August 1999. Cassius Mwala Mutame and his younger brother, Nicky Simasiku Mutame, both students, were reportedly arrested at the Caprivi Senior Secondary School on 6 August 1999. The whereabouts of all the above-named persons was unknown. At least 500 Caprivians have reportedly been arrested following the declaration of a state of emergency. The majority of the detainees are reported to be human rights activists, teachers, civil servants, schoolchildren and opposition politicians. The current whereabouts of these detainees was also unknown.

Nepal

Regular communications and replies received

798. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information according to which since the "intensified security mobilization" operation in several districts in the Mid Western, Western and Central regions launched in May 1998, political detainees, in particular (armed) members of the Communist Party of Nepal (CPN) (Maoist), have been subjected to torture, which is said to be widely used in police custody during periods of incommunicado detention to intimidate or punish political detainees and to extract confessions. Torture methods allegedly include severe beatings with bamboo stick (falanga), rolling weighted bamboo sticks along a prisoner's thighs (belana) and simultaneous boxing on the ears (telephono). Women have allegedly been subjected to rape.

799. Torture victims or their relatives can make claims for compensation under the Torture Compensation Act, enacted by Parliament in October 1996. Twelve people reportedly made claims during 1998. Six were later said to have withdrawn their cases, allegedly because of intimidation and fear for their safety. At the beginning of March 1999, no one had been granted compensation under the Torture Compensation Act.

800. The Special Rapporteur has transmitted information that on 13 July 1998 a group of 20 armed police raided a house in Lalitpur district, Central region where 11 armed Maoist members were reportedly staying. One man and two women were reportedly killed during the police action and the remaining eight people - five men and three young women aged 19, 16 and 15 - were kept at the house for two days, tied together with ropes. On two occasions the women were stripped naked and allegedly brought out of the house and beaten by police with rifle butts on their backs and on the soles of their feet. The police officers are said to have threatened to shoot them if they did not have sexual intercourse with them. One of the women was allegedly repeatedly raped. On 17 July, the three women were transferred to Lalitpur district police office at Jawalakhel. On 15 August 1998, they were reportedly transferred to jail in Kathmandu, where they were awaiting trial on charges of subversion and illegal possession of weapons.

801. The Special Rapporteur also transmitted the following individual cases.

802. Suk Bahadur Lama, Hari Bahadur Lama and Dinesh Thapa were reportedly arrested by Dumkibaas Ilaka area police on 3 August 1999 on suspicion of having stolen money, and were severely beaten. They were then reportedly taken to the Kawasoti Ilaka police station on 4 August 1999, where Suk Bahadur Lama was allegedly beaten with a bamboo stick, and denied food during the six following days. He was reportedly transferred to Kali Gandaki hospital on 9 August 1999. He reportedly had wounds on the soles of his feet which seemed to have resulted from burns and beatings. After four days, his condition deteriorated to the point that he was reportedly admitted to Bir Hospital, where he received medical treatment for pains in the abdomen, bleeding and bruises to his legs and feet, and later internal bleeding. He reportedly died on 15 August. According to the report of a post mortem examination performed on 16 August, he reportedly had multiple burn injuries on both feet, cauterized abrasions on the upper back of the trunk and subcutaneous and intramuscular contusions on his whole back and the sides of his trunk. Hari Bahadur Lama and Dinesh Thapa were also allegedly severely beaten for seven days, and taken to Kali Gandaki hospital for treatment. Both men were reportedly still detained and have been charged with fraud. Following the death of Suk Bahadur Lama, eight police personnel were suspended. A committee was formed by the Home Ministry to investigate the matter and a report was compiled, the findings of which are said not to have been made public. Furthermore, the Home Ministry has reportedly initiated murder proceedings against the eight police officers alleged to be responsible and to have made a decision to pay compensation to the family. The officers have reportedly been released on bail pending the next hearing.

803. The Government replied on 15 December 1999 that Dinesh Thapa, Hari Bahadur Lama and Suk Bahadur Ale (instead of Suk Bahadur Lama) were brought to the local police office in Dhumkibas on 5 August 1999 in relation to a theft the day before and interrogated before being taken into custody by the local police office in Nawalpur. Thereafter, the Government replied that Suk Bahadur Ale became ill and was sent first to the Kali Gandaki Hospital, Kawasoti, and then the Bir Hospital in Kathmandu, where, while being treated, he died on 15 August. In the course of a preliminary investigation, the Government stated that it became evident that he had been treated in a heavy handed manner in custody and some officers, including the Police Inspector, were immediately suspended. A further investigation was commenced on 16 August 1999 under the coordination of the Joint Secretary of the Ministry of Home Affairs and the three-member panel submitted a report after conducting a detailed investigation, which led to

departmental action against the police officers involved in his mistreatment. The Government also indicated that a post mortem examination was conducted which revealed various injuries as the cause of his death. The Government stated that the family of the deceased have been given 50,000 rupees on behalf of the Government and that a case is continuing in the local court in connection with his death.

804. Om Prakash Dahal was reportedly arrested by the police in Itahari in December 1998 and is said to have been kept in custody for one month. He was allegedly beaten and kicked, in particular on the soles of his feet, hung from the ceiling with ropes tied around to his wrists for three or four hours for two consecutive days, threatened with being killed, and subjected to verbal sexual humiliation. He has reportedly been charged with illegal possession of a firearm which was allegedly found on him at the time of arrest.

805. Damaru Yadav, aged 9, and Ram Dev Yadav, aged 12, were reportedly beaten with sticks, in particular on the soles of their feet, on their legs and thighs, by security personnel of the park of Sirpur where they were bathing and their cattle were grazing on 24 May 1999. Both are reported to have psychological problems as a result of the alleged beatings.

806. Devi Khadka was reportedly arrested on 25 October 1997 and taken to the Delakha district police station, where she was allegedly severely beaten with bamboo sticks and kicked. Over a period of eight nights she was allegedly raped by the inspector in charge of the police station and other officers. In response to hearing that a group of human rights activists was going to visit the Delakha district police station, she was reportedly moved to the Dhulikhel district police station on 1 November 1997. There, she was allegedly raped again. When, on 3 November, she refused to sign a paper to say she was prepared to receive the dead body of her brother, a police constable and his colleagues allegedly took her to the forest and raped her. On 10 November, when the authorities heard news that human rights activists were again attempting to visit her, she was transferred to Charikot jail. She was eventually released by a court order on 10 February 1998. She had allegedly been arrested because of one of her brothers was suspected of being a member of the Communist Party of Nepal (CPN).

807. Sarita Dong Lama, Sanumaya Waiba, aged 15, and Dolma Lama, aged 16, were reportedly among seven persons detained by policemen during a raid in Thulo Durlung Village Development Committee (VDC) on 13 July 1998. They were all suspected of being members of the CPN. Three persons were allegedly shot dead at the time of arrest. The seven detainees were allegedly kept in a house for two days, tied together with a rope. The three above-mentioned women were allegedly stripped naked and brought out of the house on two occasions, when they were allegedly beaten with rifle butts on their backs and the soles of their feet. They were allegedly raped. On 16 July, all were reportedly transferred to Godikhel police station. The three women were allegedly beaten with a belt while they were questioned about the whereabouts of certain people. On 17 July, they were reportedly transferred to Lalitpur district police office at Jawalakhel and held there until 15 August, when they were reportedly transferred to Dillibazar Jail in Kathmandu. They have reportedly been charged with illegal possession of weapons and subversion.

808. The Special Rapporteur has transmitted information according to which 25 persons were arrested in June 1998 in connection with the killing of Ujjwal Kuamr Shrestha, a shopkeeper from Pokali VDC. Nine were reportedly released,

but 16 were charged in connection with the murder. Eleven of those charged were released on bail, but the five men named below were reportedly remanded to the district prison to await trial. All five were allegedly severely tortured during their incommunicado detention at the Okhaldhunga district police station, which is said to have lasted for between 30 and 42 days. They were all accused of being members of the Communist Party of Nepal - United Marxist Leninist (CPN-UML), which is believed to be one of the reasons they were allegedly tortured. They were reportedly made to sign blank pieces of paper. Police allegedly forged documents which they presented to the court in order to show that all had been arrested pursuant to an arrest warrant and had been taken to court within 24 hours of arrest, as required by the Constitution.

809. Thala Bahadur Poudel, an elected member of the Tar Kerabari VDC village council representing the CPN-UML, was reportedly arrested on 9 July 1998 and taken to the Biratnagar police office. Later, he was reportedly transferred to the Okhaldhunga police station, where he was allegedly severely beaten, in particular on the soles of his feet. He was allegedly made to stand against a wall with his legs stretched apart while police officers beat him on his chest and head. He was allegedly tied to the door handle with only his underwear on, and made to stand in the same posture for five days and nights.

810. Parbat Raj Bhattarai was reportedly arrested on 26 June 1998 and detained in three village police stations before he was finally taken to the Okhaldhunga police station, where he was reportedly held for 40 days. He was allegedly made to lie on the floor face down while the police beat him on the soles of the feet, buttocks and hands with hard plastic pipes. He was also allegedly made to stay in a "chicken" position, i.e., crouching with his arms tied behind his back with a bamboo stick placed over his thighs on which two policemen applied pressure at either end. He was allegedly beaten with wet nettles for one day. He was reportedly tied to the door handle and made to stand in the same posture for five days and nights. He was reportedly transferred to prison on 11 August 1998 by court order.

811. Ram Bahadur Shrestha was reportedly arrested on 26 June 1998 and taken to the Okhaldhunga district police office on suspicion of murder. He was allegedly forced to jump up and down after having been beaten on the soles of his feet with hard plastic pipes. He was also allegedly subjected to telephono and to the "chicken" position, and threatened with being killed.

812. Thir Bahadur Poudel Khatri, a CPN member, was reportedly arrested on 26 June 1998 and taken to the Okhaldhunga police station, where he was allegedly severely beaten on the soles of his feet with hard plastic pipes. He was allegedly made to lie face down and was pushed hard on the chest and head as he was forced to stretch his legs apart. He was also allegedly beaten on the face and buttocks. He was also allegedly beaten with wet nettles for one day. He was allegedly made to walk in the "chicken" position and was threatened with death. He was transferred to prison on 11 August 1998.

813. Dor Bahadur Poudel, an elected member of the Tar Kerabari VDC village council representing the CPN-UML, was reportedly arrested in June 1998 and taken to the Okhaldhunga district police office, where he was kept, mostly blindfolded, for 42 days. He was allegedly subjected to falanga for two hours every day and to telephono. He was also allegedly subjected to chepuwa, i.e., very tight clamping of the thighs or legs with bamboo sticks or similar objects,

allegedly causing severe pain. When he fell unconscious, he was allegedly laid down and water was poured over his mouth and nose.

814. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 and 1998 regarding which no reply had been received.

Urgent appeals and replies received

815. On 28 January 1999, the Special Rapporteur sent an urgent appeal on behalf of Banu Sharma, a member of the Dang District Committee of the Forum for Protection of Human Rights and a member of the People's Rights Concern Movement. He had reportedly been held in incommunicado detention at the Police Training Centre in Maharjgunj, Kathmandu since 5 January 1999. A writ of habeas corpus had reportedly been filed in the Supreme Court on 13 January. A new urgent appeal was sent on his behalf jointly with the Chairman of the Working Group on Enforced or Involuntary Disappearances on 4 February 1999. The Government replied on 17 February 1999 that he had been engaged in Maoist activities as a member of the Dang District "United People's Front" organization, which is said to be a faction of the CNP (Maoist), and had gone underground voluntarily. The Government stated that he was not arrested by the police but had surrendered to the District Administration Office on 8 February 1999 after resigning from the above-named organization, with which he had differences. The Government transmitted the text of a letter written by him to the District Administration Office the day he surrendered, containing information on his involvement with that organization.

816. On 3 February 1999, the Special Rapporteur sent an urgent appeal jointly with the Chairman of the Working Group on Enforced or Involuntary Disappearances on behalf of Rajendra Dhakal, Chairman of the Gorkha District Bar Association and member of the Forum for the Protection of Human Rights, who had reportedly been arrested on 8 January 1999 in Jamdi of Kharenitar VDC and who had last been seen at the Bel Chautara area police station. On 21 January, a petition had reportedly been filed in the Supreme Court urging that he be produced in court.

817. On 19 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Sahadev Jung Shah,the chairman of the Jajarkot district bar association and president of the People's Rights Concern Movement, Jajarkot, and Shiva Prasad Sharma, a librarian at the Bheri Gyanodaya campus, Jajarkot. They had reportedly been arrested on 12 January 1999 and had since then been detained incommunicado at Jajarkot district jail. They had allegedly been tortured in police custody during interrogation. They had been arrested on suspicion of involvement in the CPN (Maoist) "people's war". Habeas corpus writs had reportedly been filed by their legal representatives in the Supreme Court. The Government replied on 11 March 1999 that the two men were detained by the District Administration Office, Jajarkot, under the Public Security, Act due to their involvement in activities disturbing the peace and security, and to prevent them from undertaking similar activities again. The Government replied that during their detention, they have not been subject to any sort of ill-treatment by police personnel.

818. On 20 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Hari Prasad Chaulagain, who had been arrested without warrant by police on 27 July 1999 on suspicion of being involved in an assault by members of the CPN on a group of policemen in the Kavre district, in Kathmandu. He was reportedly

initially taken to the Dolakha district police office and then to the Mahendra Police Club in Kathmandu, where he was beaten. On 28 July he was reportedly transferred to the Police Academy in Maharajgunj, where he was tortured and kept in a bunker for several hours. He was then reportedly taken back to the Mahendra Police Club, where he was detained until 2 August and then transferred again to the district police office in Kavre district, where he was held in incommunicado detention.

819. On 18 October 1999, the Special Rapporteur sent an urgent appeal on behalf of Kalpana Subedi (f), Indra Prasad Dhungel and Yudhasingh Kuwar, who had reportedly been re-arrested by police on 24 September 1999, on the premises of a court which had just ordered their release. They had been detained since 14 March 1999 in Birgunj jail, Parsa district, under the Public Security Act. The three have reportedly been transferred to the district police office in Sindhuli, but the police there have reportedly denied having them in custody.

820. The Government replied on 14 December 1999 that Kalpana Subedi and Indra Prasad Dhungel had been detained in Birganj jail, while Yudhasingh Kuwar had been detained in the Sindhuli district jail, all under the Public Security Act. The Government denied that any of the individuals had been subjected to torture.

821. On 7 December 1999, the Special Rapporteur sent an urgent appeal on behalf of Bishnu Pukar Shrestha, a secondary school teacher and a qualified lawyer who is also a member of the Nepal Bar Association and the People's Rights Concern Movement (PRCM), a human rights organization. He is said to have taken part in fact-finding missions to investigate reports of human rights violations in the context of the so-called Maoist "people's war". He was reportedly arrested by six plain-clothes police officers on 2 September 1999 at Satumangal, Kathmandu. He was said to be held in unacknowledged detention at the Maharajgunj Police Training Academy, Kathmandu, an unofficial place of detention. In a hearing in the Supreme Court in response to a writ of habeas corpus filed by his relatives, the authorities reportedly denied that he had been taken into custody.

Niger

Regular communications and replies received

822. By a letter dated 3 September 1999, the Special Rapporteur drew the attention of the Government to a series of cases transmitted in 1997 with respect to which no reply had been received.

Pakistan

Regular communications and replies received

823. By letter dated 17 November 1999, the Special Rapporteur informed the Government that he continued to receive numerous reports that the use of torture is widespread and routine and that police routinely use force to coerce confessions. Common torture methods reported include: beating, burning with cigarettes, whipping the soles of the feet, sexual assault, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, forced spreading of the legs with bar fetters, and public humiliation. Around 80 people are reported to have died in police custody in 1998. The Special Rapporteur has also received numerous reports that women and children are subjected to sexual abuse,

including rape, while in detention. Police and prison officials are reported to use the threat of abuse to extort money from prisoners and their families. Flogging sentences reportedly continued to be imposed for offences tried under Islamic law. Despite assurances from members of the Pakistani delegation to the Commission on Human Rights that the use of bar fetters in prisons has been discontinued, as recommended by the Special Rapporteur in his report on his mission to Pakistan (E/CN.4/1997/7/Add.2), the Special Rapporteur has received information according to which the use of bar fetters is still permitted under the law and has accordingly continued.

824. The Special Rapporteur has transmitted information on the following individual cases.

825. Gul Khan was reportedly arrested on robbery charges on 1 April 1998 in Multan. He was allegedly tortured and denied food for 10 days. On 11 April he was reportedly taken to a health care centre, which certified that he was in good health, reportedly under pressure from the police. When he was admitted to the hospital the same day he vomited blood. On 12 April a judicial magistrate signed his discharge certificate while ignoring his critical condition. He reportedly died the same day.

826. Ghulam Jilani, aged 14, was allegedly arrested by police in Mansehra on 12 May 1998 on theft charges. The boy was pronounced dead a few hours later at the Mansehra hospital. The police alleged that the victim had tried to hang himself, but the autopsy report showed that he died of head injuries and that his body bore marks of torture. He was also allegedly sexually abused.

827. Awais Akram, a bank teller, was allegedly tortured severely and pushed from the roof of the Civil Lines police station in Lahore on 15 March 1998.

828. Arbab Yousah, the son of a Pakistan People's Party supported candidate in local government elections in Punjab was allegedly tortured to death on 11 May 1998 by three police officers. He had reportedly been arrested on 4 May on charges of robbery brought by the local ruling Pakistan Muslim League candidate.

829. Razia Bibi was allegedly gang raped in the Model Town police station in Gujranwala. She was subsequently charged under the Hudood Ordinance for adultery.

830. Sattar Baloch was reportedly arrested fom his home on 30 January 1999 on charges of drug peddling, bank robbery and terrorist activity. The next day he was reported to have been killed in a police encounter. The autopsy disclosed torture marks on his body and fractures to his hands and legs.

831. Gul Muhammad was allegedly arrested by the personnel of Section A Latifabad police station in Hyderabad on 16 February 1999 in connection with the murder of a watchman. When he was unable to pay a bribe to a policeman, he was allegedly beaten to death. He reportedly died in police custody on 25 February 1999.

832. Jamil Ahmed was allegedly arrested on 23 February 1999 in Karachi by uniformed and plain-clothed police of the Asizabad police station. He was allegedly kicked and beaten by the police at the time of his arrest. In custody he was allegedly injected with petrol and hung upside down for several hours. He was reportedly taken to the Karachi Civil Hospital on 11 March 1999, where he

died as the result of renal failure. Doctors are reported to have noted visible signs of injection on his arms.

833. Arman Danish was reportedly arrested by police officers from Jauharabad police station in Karachi on 16 January 1999. His family was reportedly threatened that he would be severely tortured if they did not pay a bribe for his release. He was allegedly hung upside down for several hours and consequently suffered from renal failure and damaged lungs. As his condition began to deteriorate, he was reportedly handed over to his family in a very critical condition. He was allegedly taken to Ziauddin Hospital where he was reportedly admitted to the intensive care unit. He died from his injuries on 28 January 1999.

834. Shoaib Bukhari, the Muttahida Quami Movement (MQM) Deputy Parliamentary Leader in the Provincial Assembly of Sindh, was reportedly arrested on 21 November 1998 during a night raid at the head office of the MQM in Karachi, along with Wakeel Ahmed Jamali, a MQM legislator. During his time in the custody of the police, he was allegedly hung upside down for prolonged periods of up to 31 hours, allegedly to force him to make confessions. He has reportedly been sent to the Military Court to be tried for having had the intention of committing terrorist acts.

835. Rizwan Qureshi and Saeed Qureshi, both cousins of Altaf Hussain, the founder and leader of the MQM, are said to have been arrested by the Crime Investigation Agency (CIA) and the Khawaja Ajmair Nagri police, on 1 February 1999. While in custody, they were allegedly stripped naked, hung upside down and hit on the back with a leather belt. The soles of their feet were also allegedly repeatedly hit by rods and leather whips that caused intense swelling. Twelve hours later, they were reportedly released and admitted to a hospital, bearing marks of torture.

836. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1994, 1995, 1996, 1997 and 1998 regarding which no reply had been received.

Urgent appeals and replies received

837. On 12 May 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on behalf of Rashid Hussain, Abid Hussain, Khalid Hussain, Shahid Hussain and Asif Hussain. Rashid Hussain, a MQM worker, had reportedly been detained without warrant at his residence on 12 May 1999 by police officers of the New Karachi Police Station. His four brothers were later also detained by police officers. They were allegedly being held at the New Karachi Police Station.

Observations

838. The Special Rapporteur regrets that the Government has still not provided any information by way of follow-up to the report on his 1996 visit and the recommendations it contained.

Peru

Regular communications and replies received

839. By letter dated 12 October 1999, the Special Rapporteur informed the Government that he had received information concerning living conditions in prison, according to which there were serious shortcomings in the care provided for inmates. Moreover, conditions were said to have become harsher following the adoption of national security legislation by the Government in May 1998 under Legislative Decrees Nos 895 and 897. These decrees had reportedly abolished all the prison benefits established by the Penal Code and the Penal Enforcement Code for those awaiting trial for and convicted of aggravated terrorism, as well as for the perpetrators and co-perpetrators of aggravated offences (aggravated homicide, abduction, rape of a minor, theft, aggravated theft and extortion). According to the information received concerning this legislation, sentences imposed for these offences will have to be served in maximum security centres and, moreover, in the case of aggravated terrorism, the prisoner will be kept in continuous solitary confinement during the first year of his sentence. Supreme Decree No. 007-98-JUS amending the regulations on the living conditions and progressivity of treatment of refractory prisoners awaiting trial or serving their sentences was reported to have been published. This measure would, it seems, introduce a new phase into the regime imposed on these prisoners. During this phase they would be subjected to a year of absolute restriction on social contacts.

840. The Rapporteur received information of special concern in relation to certain prison centres. Challapalca Penitentiary, which is situated between the departments of Tacna and Puno at an altitude of around 4,600 m above sea level, is reportedly being used as a punishment centre for prisoners considered to be refractory. It is alleged that in this centre prisoners are not allowed to do any work or, for example, to read magazines and books or use other media. The isolation is made worse by the inaccessibility of the centre for their families, not only because of its remoteness but also because of the high altitude and associated health problems. There have been complaints that inmates have been ill-treated by one of the prison officials. At the same time, the naval base at Callao is reported to house the principal leaders of the revolutionary movements Tupac Amaru (MRTA) and Sendero Luminoso under inhuman conditions. The inmates are said to be practically sealed off in one-man cells with a small opening in the door which is only opened to bring in food. Visits are understood to be allowed only once a month and restricted to the immediate family and there appears to be no access to the media. The situation in other prison centres has also claimed the attention of the Special Rapporteur, mainly because of apparent sanitary and dietary shortcomings, unhealthy conditions, lack of legal assistance for the inmates, overcrowding, subjective assessment of the prisoners and rigid visiting systems. Moreover, there are reports of cases of abuse and corruption on the part of staff of the National Prison Institute (INPE). The Rapporteur has been told that such situations exist in the following centres: Castro prison, Chorrillos women's prison, Luigancho prison, Quencoro (Cusco) prison, the Santa Bárbara (Callao) detention centre, and Piura and Tumbes prisons.

841. With regard to compulsory military service, the Rapporteur has received numerous complaints about the alleged ill-treatment and torture of young men, both during "levies" (compulsory recruitment system) and during their period of service, despite these being military offences. According to the information

received, the Ministry of Defence has been sheltering those responsible and the Congress has not properly performed its supervisory role. It is claimed that the public prosecutor's inquiries have failed to identify the culprits and the military courts have not properly ensured an impartial investigation.

842. The Special Rapporteur transmitted information concerning the following individual cases.

843. Lucas Huamán Cruz and Zózimo Lunasco Taype were taken to the Perú de San Francisco national police commissariat (La Mar, Ayacucho) on 1 September 1998. There, NCO Third Class Augusto Raymundo Gutiérrez Rivero is reported to have taken charge of the case. It appears that Lucas Huamán and Zózimo Lunasco were led into the inner courtyard of the police station where they were interrogated and brutally beaten by the police in order to make them accept responsibility for the theft of which they were accused. They were reportedly released that evening and Lucas Huamán died the next day after suffering severe pains. An autopsy performed at the Pichari medical centre is said to have revealed clear signs of injuries. On 15 December 1998, the court of San Miguel reportedly issued an arrest warrant against Augusto Gutiérrez Rivero and ordered that the records concerning the injuries suffered by Zózimo Lunasco be handed over to the Public Prosecutor for an opinion.

844. Carlos Orellana Mallqui is reported to have gone out on 11 December 1998. The next day, when he failed to return, his partner went to look for him. At the police station, he was told by a police officer that he should go to the hospital since there had been a shooting during the night. On arriving at the hospital, he found his partner in an intensive care unit in a coma. According to the specialists and nurses, when Carlos Orellana , a teacher, was admitted to the hospital in the early morning, he complained about the police who had brought him, saying "now they're not hitting me". Carlos Orellana is said to have had a gunshot wound in the head and died on 13 January. In connection with this case, PNP NCO Third Class Joel Sánchez Patricio is reported to have been dismissed under an administrative procedure. Criminal proceedings have apparently also been instituted against him for homicide by injury.

845. Wilmer Sánchez Silva is reported to have been arrested by the police on 21 February in Bagua Grande, Utcubamba Province, Department of Amazonas. It is alleged that during his detention he was tortured. Following a complaint by his relatives, a dossier was opened. The Bagua Grande Health Centre is said to have diagnosed extensive bruising and multiple abrasions. According to an administrative investigation carried out in Police District 13, Wilmer Sánchez Silva did not suffer physical or psychological torture during the investigation process and "the injuries to his face and part of his body and wrists are the result of the knocks he took on the day of his arrest due to his falling on several occasions when trying to escape". No judicial investigation appears to have been carried out.

846. After being arrested on 18 May 1998, Luis Omar Cruz Fano was reportedly taken to an empty room on the second floor of the Aucayacu police station by police officers Rodolfo Chichón Ricra and Fredy Rincón Garay. For half an hour, he was allegedly hit in the stomach and thrown violently to the floor while being questioned about a firearm he was said to possess. On 19 May, Rodolfo Chichón Ricra reportedly took him to the second-floor bathroom where the police officers Abelardo Tipismana Espino and Fredy Rincón Garay, together with four other unidentified persons, were waiting for him. They are alleged to have

blindfolded him, made him lie down on a mattress and tied him up in it. Then they allegedly put his head in a bathtub and beat the back of his neck. According to the medical certificate, Luis Omar Cruz suffered various injuries, the final diagnosis being minor traumatism with the recommendation that he have one day's rest and two days of treatment.

847. Armando Alex Bedón Huamancóndor and his friend Max are reported to have been stopped by two officers of the Highway Division of the Peruvian National Police, Sur de Tacna Region (highway police), PNP NCO Fredy Delgado Berríos and PNP NCO Antonio Panuera Díaz, in the Yarada area on the outskirts of Tacna. It appears that the driver of the vehicle was not arrested after paying the policemen a certain sum of money. Armando Alex Bedón and his friend Max were allegedly taken to some farm buildings where the police officers are said to have tried to strip them and then struck them with revolvers, punched and kicked them. After losing consciousness, they were reportedly taken to the Hipólito Unanue Hospital in Tacna. The police are alleged to have then left Armando Alex Bedón on the outskirts of the town. The official medical certificate apparently confirmed numerous injuries to the body of Armando Alex Bedón. A complaint is said to have been lodged and an investigation opened by the Third Combined Jurisdiction Provincial Procurator's Office in Tacna for torture with serious bodily harm.

848. Raúl Teobaldo Miguel Andahua was reportedly stopped by a man who did not identify himself on 18 December 1998 in the town of Aguaytía, Padre Abad Province, Department of Ucayali. This man is said to have forced him to get into a vehicle and taken him to the Aguaytía navy base. A person unknown had apparently accused him of being a subversive. At the base he was allegedly brutally beaten by at least eight people who kicked him on the legs, arms, stomach, back and head and punched him in the face. He was reportedly subjected to psychological torture, with shots being fired close to his ear, which apparently injured his hearing. Later, a Navy lieutenant called Lieutenant Daniel is alleged to have crushed Raúl Miguel Andahua's testicles and pushed a stick about 30 cm long up his anus. After that, they are said to have held his head under water several times in a bathtub until he fainted. The next day, a sailor allegedly applied electric currents to his back to get him to incriminate himself as a subversive. One of the sailors whom Raúl Miguel Andahua is said to have identified as one of those who tried to obtain a self-incriminating statement from him was reportedly Petty Officer Julio Espencer Guido Dávalos. On 23 December 1998, he was reportedly taken to Aguaytía police station and turned over to the Anti-Terrorism Department (PNP) at Tingo María where he was reportedly released after proving his innocence. The medical certificate issued by the Tingo María Forensic Medicine Division is understood to have established that the patient was "psychologically very upset, depressed and humiliated". Various physical injuries extending over his entire body were diagnosed and he was found to have "serious TEC, ocular discharge, testiculitis" and "traumatic injuries caused by a blunt instrument and maltreatment". Another medical certificate issued following a proctological examination is said to report signs of a probable consummated sexual act and, as a consequence, "a recent circumstantial anxiety-depressive syndrome". Raúl Teobaldo is reported to have lodged a complaint with the Public Prosecutor's Office.

849. Henry Sócola was allegedly cruelly beaten in October 1998 by the Sub-Director of Río Seco prison, which is reported to have led to his subsequently requiring a surgical operation.

850. José Antonio Rojo Sánchez was reportedly doing compulsory military service in the Peruvian Army's Grau de Piura barracks when, on 29 August 1998, he was admitted to the Cayetano Heredia Hospital in Piura by Captain César Carreño Quiche and the nurse Elizandro Mercedos. The doctors are said to have found that he was suffering from injuries and cranial encephalic traumatism requiring an operation. José Antonio Rojo accused two re-enlisted sergeants, one known as Wayere and the other called Cevallos. The Provincial Procurator of the Piura First Criminal Procurator's Office is reported to have referred the case to the Army's Regional Inspectorate on 16 November 1998.

851. Ezequiel Agurto Nole is said to have reported voluntarily for duty with the Peruvian Air Force (FAP) in 1996 and been assigned to the Talara Air Group No. 11. He allegedly disappeared in September 1998. After receiving several evasive answers to their inquiries, the relatives were reportedly informed by FAP Commander Plascencia that Ezequiel had deserted. It is alleged that at the end of 1998 Ezequiel Agurto was taken home by a Mrs Santos and her husband who said they had found him very badly wounded and almost unconscious. He is said to have told his relatives that he had been constantly ill-treated by Commander Plascencia and that, at the time of his disappearance, he had been sexually abused by him. He is reported to have said that he had received medical attention and that a major called Obregón had allowed him to go home. On leaving, he was apparently intercepted by Commander Plascencia who is alleged to have left him in a remote and unfamiliar place, where he was found by Mrs Santos and her husband.

852. Christian Preciado Noe is said to have reported voluntarily for military service at the Peruvian Army's Miguel Cortés Barracks in April 1998 and been assigned to the army base at Suyo en Sullana. In October 1998, his relatives are said to have heard that he had been admitted to Lima Military Hospital. On 18 December he was transferred to the Miguel Cortés Barracks, where his relatives were told to take him away. At first, the family was told that he was suffering from stress. Later, he was reportedly said to have been discharged for depressive psychosis. Christian Preciado said he had been ill-treated and remembered only Sergeant Peralta as one of his attackers.

853. Henry Francisco Hurtado Díaz is reported to have been compulsorily recruited (by "levy") in Chimbote on 10 October 1998. On 13 December, he was taken to the Miguel Cortés Army Barracks at Sullana where, it is alleged, he was brutally beaten, suffering damage to his hearing and vision. He reportedly accused Major Pasara of the El Rancha First Cavalry Division at Sullana. His father is said to have requested his discharge on 30 October because of his poor health and the case has apparently been reported to the Chimbote Social Justice Commission.

854. Edgard Rosas Platero, Edwing Lupaca Lupaca and Rodolfo Salinas Hurtado, aged 16, reportedly tried to commit suicide with rat poison as a result of the systematic abuse and ill-treatment to which they were allegedly subjected and the difficult and inhuman conditions in which they found themselves after being put in a military prison while undergoing the punishment meted out by their superiors. According to the Tacna Army detachment and the Chairman of the Congressional Abuse of Authority Committee, Congressman C90-NM Danaiel Espichán, the reasons for the attempted suicide were family problems and indiscipline and the accusations of ill-treatment were false. A representative of the Ombudsman's Office is reported to have opened an investigation.

855. Francisco Perca Carbajal is reported to have died in the Gregorio Albarrací Barracks in Tacna on 19 November 1998 after being hit by a bullet. Francisco Perca is said to have repeatedly told his relatives that he was constantly being beaten inside the barracks, mentioning soldiers called Huayta and Caballero Caballero, who allegedly also threatened to kill him. According to an investigation conducted by the office of the Commander of the Tacna barracks, Francisco Perca shot himself. Investigations into the case are reported to have been opened by the Tacna Military Procurator's Office and the Tacna Second Combined Jurisdiction Provincial Procurator's Office.

856. Julio César Pinedo Vásquez is said to have reported voluntarily for compulsory military service with the Army in Chimbote on 28 September 1998 and to have returned home on 21 October 1998. It is alleged that he was ill-treated inside the barracks, where an electric current was applied to his head. On 23 October 1998, he was examined by a psychiatrist who prescribed tranquilizers. The Office of the Ombudsman is said to have taken steps to have Julio Pinedo medically examined in the city of Trujillo. It appears that the Trujillo Provincial Procurator's Office will be in charge of the investigation into the alleged ill-treatment.

Follow-up to previously transmitted communications

857. By letter dated 5 November 1998, the Special Rapporteur reminded the Government of a number of cases of torture previously communicated by letter dated 26 May 1997. The Government replied by letter dated 23 December 1998, providing information on the following cases.

858. Leonor La Rosa Bustamante was reportedly tortured in January and February 1997 by the Army Intelligence Service. In a first judgement, four officers were convicted. However, in November 1997 two officers were acquitted by the Review Court of the Supreme Council of Military Justice (see E/CN.4/1999/61, para. 572 and E/CN.4/1998/38/Add.1, para. 311). The Government confirmed the initial conviction of a colonel, a lieutenant colonel and two majors and the subsequent review of the case, which maintained the convictions of only the lieutenant colonel and an Intelligence major for disobedience and abuse of authority. It was also decided to proceed against an infantry colonel for the same offences and to acquit the other two accused. In June 1997, for humanitarian reasons, the Government of Peru, through the Minister for the Advancement of Women and Human Development (PROMUDEH), offered the victim rehabilitation treatment which she accepted in July 1997. This offer was made good by paying for physiotherapy and neurological rehabilitation treatment, including air tickets and travel expenses.

859. Carlos Polanco Ramírez was reportedly arrested and tortured on 28 February 1997 at the Pichanaki military base by personnel belonging to the base. It is alleged that he was again tortured after being handed over to the Pachacútec Special Commando Company (see E/CN.4/1999/61, para. 575 and E/CN.4/1998/38/Add.1, para. 315). The Government replied that, according to the records of the 31st Infantry Division, this person served in Villa Rica and Huancayo between 1995 and 1997, joined the ranks and was discharged in June 1997 from No. 31 Communications Company under the normal procedures of the Personnel Administration. There were no entries relating to his arrest or complaints of ill-treatment.

860. By letters dated 31 August and 23 December 1998, the Government provided the Special Rapporteur with the information summarized below concerning the following persons.

861. Aurelio Leyva Barboza was reportedly arrested on 24 February 1997 and tortured at the Pichanaki military base (see E/CN.4/1999/61, para. 573). According to the Government, he was arrested in Villa Rica, because he was intending to lead an attack on the Villa Rica 79th Anti-Subversion Battalion, and handed over to the Oxapampa Anti-Terrorism Section (SECOTE) on 26 February 1997.

862. Arturo Villaizán Contreras was reportedly arrested on 1 March 1997, together with 36 other peasants of La Merced, and tortured at the Pachacútec 31 military base in Pichanaki by members of army patrols from Pichanaki (see E/CN.4/1999/61, para. 574). According to the Government, this person was arrested as a suspected member of the terrorist organization Movimiento Revolucionario Túpac Amaru. He was handed over to the Oxapampa SECOTE on 5 March 1997 and then taken to the National Anti-Terrorism Directorate in Lima. He was released on 26 March 1997 and the Congressional Human Rights and Pacification Commission was so informed.

863. William Teodorico Olivera Espinoza was reportedly arrested on 23 September 1997 at the military base of Tocache and re-arrested on 6 December 1997 in Puerto Pizana. On both occasions he was allegedly tortured. Ten days after the second arrest he was taken into custody (see E/CN.4/1999/61, para. 567). According to the Government, William T. Olivera was first arrested by a patrol of the Villapampa Anti-Subversion Battalion and handed over to the Tocache SECOTE-PNP the same day on suspicion of terrorism and illegal possession of a hand grenade. Subsequently, he was released pending trial, re-arrested by soldiers from the Pizana Anti-Subversion Base on 6 December for trying to buy ammunition from a Peruvian Army NCO and again handed over to the Tocache SECOTE-PNP on 16 December 1997. In October 1997 he was given a medical examination which found "bruising of the soles of the feet with minor functional impotence", caused by his having to walk from Nuevo Horizonte to Tocache with the army patrol. Neither the Government Procurator's Office nor the Criminal Court of Tocache had any record of any complaint against military personnel for ill-treatment or harassment.

864. After being charged with theft at the military base where he was serving, Army Sergeant Oscar Chucho Henostroza of the "Juan Hoyle Palacios" No. 6 Motorized Infantry Battalion (BIM) of the district of Independencia, Huaraz, was reportedly tortured by members of his own battalion (see E/CN.4/1999/61, para. 569). According to the Government, on 31 May 1997 he was subjected to interrogation prohibited by the regulations constituting the offence of abuse of authority under the Code of Military Justice. The Army Command had had the sergeant admitted to the infirmary and ordered a medical report in July 1998. The report showed that he was not suffering any physical consequences from the assault he had undergone a year earlier. As far as the investigation of the facts was concerned, administrative inquiries had been initiated by the Army Inspectorate System and the suspects had been brought before an investigation board. As a result, two officers were retired as a disciplinary measure, in August and September 1997. In the military courts they were sentenced to 8 months imprisonment in the case of the captain and 5 months in the case of the NCO, together with the payment of 1,000 new sols in civil damages.

865. Tony Gustavo Aduvire Congori and other youths were reportedly arrested on 30 July 1997 by military personnel in the town of Tacna. They were taken to the Tarapacá Peruvian Army barracks. Later, Tony Gustavo Aduvire's dead body was found close to the barracks showing signs of beatings (see E/CN.4/1999/61, para. 570). The Government reported that he had jumped recklessly from the truck in which he was being taken with other youths to the Tarapacá barracks for having evaded compulsory military service. He was picked up and taken to the barracks infirmary where he was found to be sick and in need of medical attention. On being informed of the situation, the technician in charge of the truck which had transported the youths ordered that he be taken out of the barracks and let go. The military personnel involved had been disciplined and reported to the military justice system for abuse of authority. Their case was being processed. The Tacna Specialized Criminal Court had initiated pre-trial proceedings against a lieutenant colonel, the third-class technician in charge of the vehicle, two sergeants and four corporals for the offence of abandoning a person in danger aggravated by his consequent death. The Criminal Division of the Tacna Court finally gave the third-class technician a suspended sentence of four years imprisonment and one of the sergeants a suspended sentence of three years imprisonment, while also ordering the payment of 15,000 new sols in civil damages. The others were acquitted.

866. Rosendo Linares Chávez was reportedly tortured on 6 December 1997 by an NCO, a sub-lieutenant and a lieutenant of the Peruvian National Police in the town of Huamachuco (see E/CN.4/1999/61, para. 566). According to the Government, on 12 January 1998, a report was made on an offence against human life and the person and the accused were held in custody at the disposal of the Provincial Procurator in Huamachuco. Moreover, in March 1998, administrative disciplinary action was taken against the police officers in question for breaches of discipline (negligence) and abuse of authority, for which they were punished with 20, 15 and 12 days of detention and reported to the PNP Judicial Area for the above-mentioned offence.

867. By the same letter, the Special Rapporteur transmitted to the Government information concerning Denis Taminchi Saavedra who was reportedly arrested and tortured on 4 January 1997 while being taken from the Peruvian Social Security Institute of Pucallpa to the Pucallpa naval base (see E/CN.4/1999/61, para. 571). By letter dated 24 February 1999, the Government informed the Special Rapporteur that four Navy personnel had been investigated by the Pucallpa Provincial Procurator for abuse of authority in connection with this case. In August 1997, on the basis of the investigation carried out by the Procurator, the judge of the First Criminal Court of Coronel Portillo had dismissed the case against the accused. The grounds for dismissal were lack of evidence and the untruthfulness and partiality of the complaint, inasmuch as Denis Taminchi was trying to get back his job with the Peruvian Social Security Institute which was managed by one of the defendants. Furthermore, the complaint had been lodged two months after the event rather than immediately. In general, the evidence produced was not sufficient to establish that an offence had been committed or that the defendants were responsible.

868. By the same letter, the Special Rapporteur urged the Government to take all the necessary measures to investigate, try and suitably punish anyone guilty of torture, whatever his rank or position. He also urged the Government to take effective preventive measures when confronted with such cases and to arrange for compensation for the victims or their relatives, in accordance with the provisions of the relevant international conventions.

869. By letters dated 25 February and 25 December 1998, the Peruvian Government provided the Special Rapporteur with information concerning progress made in the field of human rights. Insofar as it falls within the Rapporteur's terms of reference, this information is summarized below.

870. Law No. 26926 amending several articles of the Penal Code and incorporating Title XIV-A on "Crimes against humanity" had been approved. In all the cases envisaged in this title the ordinary courts would be competent. Chapter III of this title was said to be devoted to the question of torture. Under this chapter, those responsible for acts of torture, including conditions or techniques that destroy the personality or diminish the intellectual capacity of the victim, even if these methods do not cause physical injury or mental illness, intended to obtain a confession or information from the victim or a third party or to punish the victim for some offence or to intimidate or coerce the victim, will be punished with terms of imprisonment ranging from 5 to 12 years. If the torture leads to death or serious injury, the penalties will range from 8 to 10 years in the event of death and 6 to 12 years in the event of serious injury. The same penalties will be applicable to any doctor or health professional who cooperates in such acts. Other provisions, which amend articles 125, 128 and 129 of the Penal Code, establish penalties for those who, by abandonment or neglect, endanger the physical well-being of a minor in their custody. Penalties are also provided for those who subject persons in their custody to conditions such as to place their life or physical well-being at risk. The right to medical assistance and the right of a possible torture victim to be examined immediately by a forensic therapist are included. The next task is said to be to incorporate other offences such as arbitrary arrest and extrajudicial execution.

871. The Government also submitted a report on the first two years of operation of the Office of the Ombudsman in Peru. Among its positive achievements, the report mentions the broad public acceptance of the Ombudsman as the protector of fundamental rights; a greater readiness on the part of people to claim their rights as a result of increased awareness of those rights and the conviction that they must be respected; a drastic reduction in forced disappearances; the creation of the Ad Hoc National Commission on Pardon; the elimination of faceless judges; the promulgation of Law No. 26926 incorporating crimes against humanity in the Penal Code; the adoption of special measures on behalf of displaced persons and communities affected by violence; affirmative action in favour of women's rights; and the introduction of operational mechanisms that provide for the ever-increasing participation of civil society.

872. By letters dated 12 January 1998 and 21 January 1999, the Government also provided information on the granting of pardons to 36 people who had been convicted of terrorism or treason. By letter dated 19 March 1999, the Government provided the Special Rapporteur with a transcript of Supreme Decree No. 003-99-JUS of 17 February 1999 amending the Regulations on the living conditions and progressivity of treatment of prisoners convicted of or awaiting trial for the offences of terrorism and/or treason at national level. Thanks to the amendments introduced, prisoners will be able to enjoy a greater number of hours of outdoor exercise in the prison yard (between two and three hours as compared with one hour under the previous regulations) in manageable groups, as determined by the Prison Technical Board.

873. By letter dated 26 November 1999, the Government replied to the Special Rapporteur by providing information on the cases of the citizens: Bernardo Roque

Castro, Segundo Alva Marín, Edison Loayza Alférez and Armando Cumapa Onorte (see E/CN.4/1999/61, paras. 576-577).

874. According to the Government, on 1 March 1998, Bernardo Roque Castro, Segundo Alva Marín, Edison Loayza Alférez, Armando Cumapa Onorte and Alejandro Astorga Valdez, members of the Tupac Amaro terrorist group, and inmates of Yamanago prison, reportedly resisted being returned to their cells at the end of their exercise hour. In the face of this, National Police Major Luis Sánchez Moreno is said to have asked the inmate (delegate) Miguel Rincón Rincón to change his attitude. The inmates allegedly went up to the second floor where a group of them surprised Police Major Jorge Loyola Felipe and his supporting staff who were punched and kicked, the aforementioned officer suffering a 4 cm long cut on the right forehead, allegedly inflicted by the inmate Alejandro Astorga Valdez. The rest of the inmates apparently threw food at the prison staff who repelled the attack to re-establish order; in these circumstances both groups are said to have sustained injuries. The prison director reportedly arrived on the scene and warned the inmates to return to their cells, thereby restoring order. On 2 March 1998, a National Police NCO (third class) reported on the acts of indiscipline committed by the inmates Eradio Segura Palomino and Segundo Sena Montalván who had caused material damage in order to facilitate a possible escape. According to the Government, these acts of indiscipline and assaults committed by the inmates were brought to the attention of the rota public prosecutor of the province of Puno. The National Police were not guilty of assault on 1 March 1998, since it was the inmates who started the trouble. Moreover, the prison director had not ordered the inmate Alejandro Astorga Valdez to be taken from his cell and beaten since, after being warned, the inmates had gone back to their cells, thereby putting an end to the acts of indiscipline.

Observations

875. The Special Rapporteur welcomes various legal reforms reported by the Government, especially provisions contemplating that torture, as defined internationally, will be punishable as a serious crime. He also appreciates the detailed replies of the Government, which indicate some successful action against perpetrators of torture. He notes the assessment of the Committee against Torture in its conclusions and recommendations on its review of the country's periodic report (CAT/C/23/4) that, despite "the reduction of complaints of mistreatment by persons in custody over recent years" (para. 3), it is concerned "at the continuing numerous allegations of torture" (para. 4) which he believes is facilitated by the 15-day period of incommunicado detention applicable to persons suspected of acts of terrorism.

Philippines

Urgent appeals and replies received

876. On 27 May 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Pablito Andan, who had reportedly been convicted and sentenced to death for rape and murder in August 1994. He was allegedly detained in February 1994 by men believed to be the local mayor's bodyguards, who took him to a hotel room where they blindfolded him and ordered him to confess to the crime of rape and homicide, before taking him to police detention cells. To force him to confess the men allegedly beat him, held him down on the floor and poured water

down his nostrils, repeatedly forced his head down a dirty toilet bowl and injected him in the neck and the buttocks with an unknown substance that made him feel disorientated. Subsequently he reportedly confessed to the crime. He reportedly retracted his confession when he stood trial, and stated that he had been tortured during interrogation. The Supreme Court reportedly recorded his allegations of torture, but admitted his confession. He was scheduled to be executed by lethal injection on 28 May 1999.

877. By the same urgent appeal, the Special Rapporteurs intervened on behalf of Dante Piandiong, who had reportedly been arrested in December 1994 and taken into police custody, where he was allegedly beaten and given electric shocks to his genitals. During his trial, he reportedly testified that he had been tortured by the police. But, the trial judge is said to have only mentioned this in passing when he convicted Dante Piandiong and his co-accused, Archie Bulan and Jesus Morallos, and sentenced them to death. The Supreme Court is reported not to have referred to the alleged ill-treatment or torture when it reviewed their cases and confirmed their sentences. The allegations of torture have allegedly not been fully and impartially investigated. They were scheduled to be executed on 7 April 1999. The President of the Republic of the Philippines was reported to have granted a 90-day reprieve to them on 6 April 1999 with a view to an exhaustive review of the case being conducted.

878. On 20 October 1999, the Special Rapporteur sent a new joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Pablito Andan, who may reportedly have been executed any time after the expiry of his stay of execution on 25 October 1999, after President Estrada rejected his appeal for clemency (see above).

Romania

Observations

879. The Special Rapporteur's assessment of the situation in the country may be found in the report on his visit to Romania, issued as Addendum 3 to the present report.

Russian Federation

Regular communications and replies received

880. By letter dated 19 November 1999, the Special Rapporteur advised the Government that he had received information alleging that torture in police station and pre-trial detention centres during the first moments of detention, in order to coerce confessions and testimony, is widespread and systematic. The methods of physical torture include prolonged beatings and kicking (on the heals, head and kidneys), electroshock, asphyxiation (using plastic bags or gas masks) and painful suspension of the victim by certain body parts.

881. Gross overcrowding in pre-trial detention centres continues to present life-threatening conditions for detainees that may be described as torturous (see E/CN.4/1995/34/Add.1).

882. The Special Rapporteur transmitted information on the following individual cases.

883. Mikhail Iurochko, from Arkhangel'sk, was reportedly detained in late 1993 in his home town on suspicion of murder. He reportedly confessed after police placed him several times in a "pressing room" in which he was allegedly subject to both psychological and physical harm, including rape. Three days later, he confessed to the murders. His convictions have apparently been overturned and all charges against him have been dropped by the Procuracy in Arkhangel'sk.

884. Igor Akhrimenko was allegedly subjected to electro-shock treatment in April 1994 while in police custody. He was reportedly taken into a room and hit from the side and then punched in the temple, causing him to lose consciousness. He was allegedly handcuffed to a radiator and two electric wires with clamps were attached to his ear lobes. He was reportedly being held by the legs and by his head by two policemen who were asking him questions at the time.

885. Zhanna Setchekvia was allegedly severely beaten in April 1994 by police in Usol'e-Sibirskoe after she was taken to the police station and ordered to sign papers concerning the investigation of a murder for which her husband, Igor Akhrimenko (see above), was a suspect. She was allegedly thrown on the floor and beaten by two police officers. She was reportedly taken to a hospital emergency room when she was released from the police station.

886. Sergei Mikhailov was reportedly arrested in Velsk in December 1994 on administrative charges. He was reportedly held for 10 days. Denied access to a lawyer, he was allegedly severely beaten by the police and was allegedly threatened with being thrown into a so-called "press hut" where fellow detainees would be encouraged by wardens to intimidate and brutalize him. While in detention, he confessed, reportedly as a result of the torture, to the murder and rape of a 10-year-old girl. After he was granted access to a lawyer, he withdrew his confession. In April 1995, the Arkhangelsk Regional Court sentenced Mikhailov to death. The Supreme Court has reportedly confirmed the sentence on appeal. In November 1996, a suspect reportedly confessed to the murder for which Mikhailov had been sentenced. His confession was corroborated by physical evidence found at the scene of the first murder. The head of the Arkhangelsk procurator's office refused to send this information to the Procuracy General in Moscow. In the meantime, Mikhailov reportedly continues to be held on death row at the Arkhangelsk pre-trial detention centre. From 24 April 1995 to 1 July 1997, he was reportedly deprived of exposure to sunlight, as death row prisoners do not have the right to recreation.

887. Mikhail Sobolev was reportedly beaten severely at his home in Ekaterinburg on the night of 28 March 1995. Plain-clothed police officers allegedly forced their way into his apartment and immediately beat him until he lost consciousness. He was allegedly beaten so severely that he required a month of hospitalization. He reportedly sent a complaint to the Procuracy but received no response. The case reportedly reached the Kirov District Court on 1 January 1997. Since that date, the case has reportedly been delayed and transferred to a court in a neighbouring province.

888. Andrei Potanin was reportedly beaten at his home in Ekaterinburg on 11 May 1995 by plain-clothes police officers. He was reportedly beaten in the presence of family members until he lost consciousness. He was then reportedly taken to the police station, without search or arrest warrant.

889. German Il'in was reportedly tortured by suspension while in police custody in November 1995 in Irkutsk province. He was allegedly handcuffed to a

pipe so that his feet could not touch the ground. In this position, he was allegedly beaten in the kidney and liver areas for 20 to 30 minutes.

890. Dmitry Zhukov, a private in the army stationed on the island of Severny Berezovy in the Gulf of Finland, reportedly suffered multiple injuries to his head and to his back, allegedly caused by a commanding senior soldier. While being treated for three weeks by doctors in Vyborg, he was reportedly denied his food rations by a fellow soldier, who was reportedly in effective control of the base, to punish him for his "slowness". He was reportedly hospitalized with physical injuries, stomatitis and the early stages of kidney failure. A criminal case has reportedly been opened against the commanding officer on charges of torture and brutality, although the result of this action is at present unknown.

891. Denis Andreyev, a private in the army, was reportedly awakened and attacked by two officers on the night of 27 December 1995 when he was returning from the hospital where he was receiving treatment for a broken leg. His hands were reportedly handcuffed behind his back and then officers allegedly beat him until he lost consciousness. He was then reportedly ordered by the officers to be locked in a cell for 35 days for disciplinary punishment. The head of the medical army unit reportedly refused to provide any medical treatment to him. He was reportedly told by another officer that he should hang himself in order to put an end to his suffering.

892. Viktor Fyodorovich Andreyev has reportedly been held for three years in a Moscow pre-trial detention centre, "Matrosskava Tishina", and is allegedly being denied medical treatment even though he is critically ill with tuberculosis. He was reportedly arrested in 1995, while serving in the Russian army in Chechnya, for the murder of his commanding officer, who had allegedly repeatedly abused and tortured him and other conscripts. He reportedly attempted to desert twice during the conflict and was allegedly subjected to torture each time he was returned to the army. He has reportedly not been allowed a visit by members of his family or a lawyer of his choice during his detention.

893. Alexander Volod'ko was reportedly arrested at his home on 23 July 1996 by police in Aleksin, in connection with their investigation of the attempted murder of a police officer. He was allegedly beaten and taken to a forest where the officers held his head under water in a brook. The next day, men in dark masks reportedly beat him for several hours somewhere near the river Oka and staged a mock execution. On the third day, he reportedly attempted to commit suicide by slashing his wrists. Doctors are alleged to have stitched his wounds so he could be subjected to further torture. On the fourth day, the men in dark masks once again allegedly asphyxiated him in water and forced a smouldering piece of wood into his anus. The following two days, he was allegedly placed in a "pressing cell" where two young men beat him. On the tenth day after his arrest, he reportedly confessed to the crime. On 18 March 1999, a court sentenced him to two years and eight months' imprisonment. Although the police officers denied torturing him, protests from human rights organizations reportedly led the Procurator's office to institute criminal proceedings against the police officers.

894. Boris Botvinnik was reportedly arrested on 18 September 1996 by riot police in Moscow on suspicion of robbing a currency exchange. The police allegedly forced their way into his apartment and beat him to the grcund. The police reportedly forced a gas mask over his head and cut off the oxygen supply from time to time, while they reportedly accused him of a series of crimes. They

then reportedly took him to Moscow's main police station at Petrovka 38 and forced him to confess to the robbery of a currency exchange booth at Moscow State University. He was reportedly released from pre-trial detention in February 1997 for medical reasons; he had reportedly lost nearly all of his eyesight since his detention, as a result of the overcrowded conditions, a lack of natural light in the cells of the pre-trial detention centre and his reported denial of requests for medical attention. In March 1999, he was reportedly convicted despite a reported lack of material evidence. The judge reportedly refused to exclude confessions from the evidence of the case against him, despite medical evidence that he had been tortured. He was given a five-year suspended sentence.

895. Dmitrii Koligov and Mikhail Shikalenko were reportedly arrested in September 1996 in Moscow for robbing a currency exchange booth. They were co-defendants with Boris Botvinnik (see above). Both were allegedly subjected to treatment similar to that of Botvinnik and were coerced to sign confessions. The two men reportedly remained in the pre-trial detention centre of Butryka for two and a half years while the criminal investigation and court hearings took place. In 1998, Shikalenko was reportedly diagnosed with tuberculosis, allegedly contracted during his detention. They were sentenced to three and four year sentences, respectively, despite a reported lack of material evidence in the case.

896. Tatiana Popkova is reported to have been forcibly taken to the police station in Irkutsk province in the fall of 199 She was reportedly ordered to sign an interrogation report. When she refused to sign the report without first reading it, a police officer allegedly took her by the hair and hit her head against a wall several times. The police officers also allegedly threatened to place her in a "pressing" room. She was reportedly released shortly after.

897. Andrei Kol'tsov was reportedly driven to a forest in 1996 approximately two kilometres from the local pre-trial detention centre, where he was reportedly severely beaten. The police also allegedly tied one of his legs to a tree with a rope and the other to the car. The car was then started up and the rope stretched, forcing his legs to split. The police reportedly only stopped when Kol'tsov agreed to write a confession. Medical documents from the pre-trial detention centre and a forensic examination confirmed Kol'tsov's injuries, which included numerous large bruises on the chest and a broken rib.

898. Oleg Fetisov, aged 15, was reportedly approached by police while he was at school in Ekaterinburg on 21 November 1996 having his lunch break. The police officers reportedly asked him to come to the police station in Verkh Isetskii for questioning about the theft of another boy's jacket. Police officers allegedly beat him, kicked him and dragged him around the floor when he refused to confess to the crime. He was allegedly handcuffed, tied to a chair and a gas mask put over his head. The oxygen supply was allegedly cut off several times for about a minute each time. He eventually informed the police that he would write a confession. He reportedly jumped out of a window. He was reportedly taken to hospital with a broken skull, pelvic bone and arm, contusions to his knee and concussion. The police continued to pursue the criminal case against Fetisov and his two co-defendants, who had both spent almost a year in detention. In March 1998, the three men were found guilty.

899. Anton Shamberov and Kirill Komlev, brothers, who were both accused of killing a friend of the chief of the city police department in Nizhnii Novgorod,

were allegedly subjected to extensive psychological pressure by police in Nizhnii Novgorod in 1996. Police officers allegedly threatened them to take them to the forest and kill them.

900. Aleksei Alekseev, aged 14, was reportedly detained in March 1997 in Ekaterinburg after a car owner complained to the police that he and a friend had thrown snowballs. The two boys were taken to the police station and held for four hours without being allowed to phone their families. The police allegedly compelled Aleksei Alekseev to confess to the crime by beating him over the head, pulling his hair and threatening him with further beatings if he did not confess. He was reportedly diagnosed by a doctor as having possible concussion and bruises to his head following his release.

901. Igor Afon'kin was reportedly detained in June 1997 in Irkutsk province. Upon arrival at the police station, he and others arrested with him were allegedly beaten by police and had tear gas sprayed in their eyes. He was reportedly released the following day, but later detained on 19 November 1997. He was allegedly beaten with a night stick on the back and kidneys and compelled to write a confession. He was reportedly detained for four months and then released.

902. Dmitri, Ivan and Alexander Koriagin, three brothers, were reportedly tortured by suspension until they lost consciousness while in police custody in Pereslavl'-Zaleeskii. The three brothers were reportedly detained in a state of intoxication on 3 August 1997. All three were allegedly beaten with nightsticks at the police precinct and had tear gas sprayed in their eyes.

903. Vitalii Kovalev was reportedly detained by police on 5 August 1997 in a city in western Russia. He was allegedly taken to the third floor of the police station and was told to confess to a group robbery of a computer firm. Police officers reportedly stated that they would "play soccer" with him until he remembered how everything happened. Police officers subsequently allegedly beat him and subjected him to electroshock so that he "flew around the room like a soccer ball". The police reportedly demanded that he confess to a series of crimes. He reportedly jumped from a window on the third floor. He suffered four fractures of his spinal cord and is now a paraplegic. When his parents attempted to lodge a complaint with the Procurator's office, the response was a veiled threat that Kovalev's status would be changed from a witness in the case to a suspect. The family therefore decided to not file a complaint.

904. Sergei Samsonov was reportedly requested by two policemen to accompany them to the police station in Sergiev Posad on 5 March 1998. The police allegedly held him at the station overnight and took him to court the next day. He was reportedly sentenced to 10 days of administrative arrest for petty hooliganism. After 10 days, during which he was allegedly tortured, he was taken to the pre-trial detention centre on suspicion of murder.

905. Andrei Getsko was reportedly arrested at his apartment in Bratsk on 30 September 1994 on suspicion of armed robbery. Police allegedly detained him by shooting him in the foot. He was allegedly beaten by police on the way to the Central Hospital in Bratsk, where he was taken for treatment. Police allegedly continued to beat him in an elevator at the hospital. The incident was reportedly witnessed by several doctors of the hospital. He was reportedly taken from the hospital soon after the operation on his foot, despite a doctor's instructions that he remain there. While he was waiting for the police car to

arrive outside the hospital, the police allegedly kicked him in his injured foot. On arrival later that night at the police station, the police allegedly continued to beat him. He eventually wrote a confession, reportedly fearing that he would be killed or crippled. On 16 September 1997, he was reportedly released on bail and in 1999, all charges were dropped against him. Criminal proceedings were reportedly instituted against the police officers on 20 March 1998, after several doctors reportedly testified in court what they had witnessed in the elevator at the hospital. Criminal proceedings against the police officers were dropped by the Procuracy in early 1999. However no grounds were given for doing so.

906. Vasiliy Rakovich, a prominent human rights lawyer and Chairman of the Krasnodar Regional Association for Human Rights, was reportedly attacked and beaten on 23 October 1998. He was reportedly attacked on the street during the lunch break of the Vasiliy Chaikin case court hearing on 23 October in Stanitsa Leningradskaya in the Krasnodor region, by two men in civilian clothes who carried a baseball bat and a brick. He was allegedly beaten for having brought a case against a criminal investigator in the Office of the Procurator for Leningradsky district of Krasnodor region and the chief investigator in the Vasiliy Chaikin case. As a result of the beating that took place on 23 October, he was hospitalized with severe head and body injuries.

Observations

907. The Special Rapporteur continues to regret that the recommendations he made in the report on his 1994 visit aimed at alleviating radically the torturous conditions caused by gross overcrowding in pre-trial detention centres have not been acted upon.

Rwanda

Regular communications and replies received

908. By letter dated 3 September 1999, the Special Rapporteur reminded the Government of a number of cases which he had transmitted in 1998 without having received a reply.

Urgent appeals and replies received

909. On 15 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Ignace Kanyabugoyi who reportedly "disappeared" from Kigali on 21 August 1998. Two days later, armed soldiers are said to have searched his house in which they allegedly found a weapon. They are reported to have taken his wife to the gendarmerie post in Nyamirambo to question her, in particular about her husband's political activities. Shortly after his "disappearance", Ignace Kanyabugoyi's car was reportedly found at the Military Intelligence Directorate, which suggested that he was being held there. Nevertheless, his family's efforts to locate him were unsuccessful until the beginning of February 1999, when it was learned that he was being detained in a psychiatric institution at Ndera, in the commune of Rubungo, prefecture of Kigali Rural. He was said to be suffering from a depressive disorder. It is alleged that the authorities concerned had nevertheless denied that he was there and prevented his family from meeting him.

910. On 16 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Epiphanie Uwitakiye and Blaise Barankoreho and his wife Suzanne. The two women were said to have been arrested by a group of people on 6 August 1999 when they were trying to reclaim their houses in the Nyamirambo district of Kigali. They were reportedly hit and injured in the course of being arrested. They were currently being held at the Nyamirambo police station. The husband of Epiphanie, Félicien Gasana, is reported to have died on 9 August 1999 in the Kigali hospital centre as a result of blows received at the time of his arrest.

Saudi Arabia

Follow-up to previously transmitted communications

911. By letter dated 6 July 1998 the Government responded to a joint urgent appeal sent with the Chairman-Rapporteur of the Working Group on arbitrary detention on 10 June 1998 on behalf of Farzana Kauzar and her family. By letters dated 5 and 11 March 1999, the Government informed the Special Rapporteur that those letters was also intended to be a reply to the concerns raised by the Special Rapporteur. The Government reassured the Special Rapporteur that all persons deprived of their liberty are well treated.

Senegal

Regular communications and replies received

912. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information on the following case.

913. Anquiling Diabone, the regional representative of the human rights organization Rencontre africaine pour la défense des droits de l'homme, in Casmance, was reportedly arrested on 1 October 1998 at a military checkpoint 40 km from Ziguinchor. He is said to have been detained by soldiers for several hours and beaten and criticized for his activities on behalf of human rights in the context of the conflict in Casamance. He was allegedly left in the sun with his hands and feet tied and viciously kicked for several hours. He is also said to have been threatened with death with a dagger. On 6 October, his wife, two of his sons and a nephew were allegedly threatened at the same place.

914. By letter dated 8 November 1999, the Special Rapporteur reminded the Government of a number of cases which he had transmitted in September 1998 without having received a reply.

Spain

Regular communications and replies received

915. By letter dated 30 November 1999, the Special Rapporteur sent the Government information on the following cases.

916. Garikoitz Mendioroz was reportedly arrested by the national police on 12 January 1999 and held incommunicado for three days. During his detention he was allegedly subjected to torture as a result of which he had to receive treatment in a Navarro hospital. His relatives are said not to have been allowed to see the medical reports. At the time of his arrest, Mr Mendioroz reportedly received a blow to the head as a result of contact with a car. During the

journey to a Pamplona police station he is said to have been threatened. It is alleged that once at the police station he was handcuffed and slapped repeatedly about the head. He is said to have been threatened with being shot if he did not incriminate himself and an attempt was allegedly made to suffocate him with a plastic bag. During the night he was apparently woken up every time he fell asleep. The interrogations, threats and blows with fists and a hard object, as well as the plastic bag over the head, are said to have continued the next day. He was also reportedly threatened with being thrown out of the window. Later, he was taken to hospital and brought to Madrid.

917. Mikel Azumendi Peñagarikano was arrested in Seville on 21 March 1998 by the Guardia Civil and is currently in the Madrid-2 prison (Alcalá de Henares). Mr Azumendi has alleged that during his detention he was subjected to ill-treatment and torture which involved being stamped on and kicked, blows to the ribs, head and testicles, electrodes on the penis, stomach and chest, mock executions, being prevented from seeing, and threats to his family and his partner Maite Pedrosa, who was also arrested. Since entering prison, Mr Azumendi has reportedly been suffering from ankle pains which have prevented him from engaging in any physical activity.

918. Nekane Txapartegi was arrested in the Guipúzcoa village of Tolosa on 9 March 1999 in the course of a police operation conducted by members of the Guardia Civil from 513 command in Intxaurrondo. On the way to Madrid she allegedly received blows to the head. She is said to have been taken into a wood, threatened with a pistol pointed at her head and had her feet tied together with insulating tape and rope. She was then put back in the vehicle which continued on its way. On several occasions a bag was placed over her head and tightened to cut off her air supply. Once in Madrid, she was reportedly taken to a police station which could have been Tres Cantos. During the interrogations to which she was subjected the "bag" torture and the blows, especially to the head, are said to have continued. She was allegedly stripped, bound hand and foot, and hit and beaten all over her body. On another occasion, the officers are said to have threatened her with a pistol and one of them put his fingers up her vagina. On 13 March she was taken to the National High Court where she was reportedly seen by the court medical officer. Nekane Txapartegi then reportedly made a statement before the judge of Central Court of Investigation No. 3 of the National High Court, who ordered that she be detained incommunicado. She is currently in the Soto del Real Penitentiary Centre in Madrid province.

919. Mikel Egibar Mitxelena was reportedly arrested by members of the Guardia Civil on 10 March 1999 in circumstances similar to those described in connection with the case of Nekane Txapartegi. After being taken to the General Directorate of the Guardia Civil in Madrid, he is said to have been subjected to interrogations during the course of which he received continuous blows, especially to the head and testicles. After three days he was reportedly taken to a hospital, at the suggestion of the police surgeon. Various examinations are said to have been carried out, but he was not kept in the hospital. On 15 April 1999, in a written application to the San Sebastian Examining Court No. 1, he requested that the medical reports drawn up during his detention be included in the proceedings against him in Central Examining Court No. 5 of the National High Court.

920. Iker Bea, Asier Urrerstarazu, Ismael Fakhri and Ricardo Peñafiel have lodged a complaint before a judge of the National High Court alleging that they were subjected to torture and ill-treatment while being held incommunicado.

921. Iker Bea complained of having been tortured from the moment he was arrested on 2 February 1999. Reportedly, he received blows all over his body and was later taken by a group of police officers who "worked him over" with alternating kicks and punches and subjected him to the "bag" torture. The torture of which he complains is said to have been accompanied by death threats, and a policeman is alleged to have pushed a pistol into his mouth to make him incriminate himself. Iker Bea reportedly signed a police statement acknowledging his participation in an alleged offence committed on 25 January 1998, although on that day he was being detained on other grounds (he was reportedly in pre-trial detention from 29 August 1997 to 13 March 1998).

922. Asier Urrestarazu complained of being subjected to endless psychological pressure and abuse. Ismael Fakhri and Ricardo Peñafiel allegedly received numerous blows to the testicles and Fakhri also complained that the officers had taken advantage of the fact that he had a weak leg and had to use crutches in order to torment him. In addition, he is said to have been threatened with the expulsion of his father, a Moroccan immigrant settled in Tolosa.

923. Iker Bea and Ismael Fakhri were admitted to Alcalá Meco prison. Asier Urrestarazu and Ricardo Peñafiel were released on bail on 4 February 1999.

924. José Ignacio Armendáriz Izaguirre was arrested at his home in Pamplona on 27 March 1998 and later taken to Madrid, where he appeared before a judge on 30 March 1998 and was detained pending trial. At the Pamplona Guardia Civil headquarters, he was allegedly subjected to various forms of torture, such as blows to the back of the head and frequent use of the "bag". The torture is said to have been accompanied by threats. In Madrid, he was reportedly examined by a police surgeon, to whom he did not dare mention the treatment he had undergone, and then taken, handcuffed and with his face covered, to a hospital where tests were carried out. Back at the detention centre, the threats allegedly continued, together with the blows and the attempts at suffocation. At one point, he is supposed to have deliberately injured himself and been seen by the prison doctor. The perpetrators were allegedly the same Guardia Civil members from Pamplona.

925. Peio de Vega Martín was reportedly arrested at his home in Portugalete, Bilbao, on 27 January 1998 by members of the Guardia Civil. It is alleged that in the course of the interrogations which he underwent in the next few days he received blows to various parts of the body, especially the head and testicles, the "bag" was placed over his head and threats were made to harm his pregnant wife. He was admitted to Carabanchel prison (Madrid-1) on 31 January 1998 and transferred to Soto del Real prison on 1 June 1998. The medical service at Carabanchel noted that de Vega had a haematoma on the forehead and a perforated eardrum, as well as pain in the right testicle which needed to be examined by a specialist.

Follow-up to previously transmitted communications

926. By letter dated 3 November 1998, the Special Rapporteur communicated to the Government information concerning possible cases of torture in Spain. By

letters dated 8 December and 22 December 1998, the Government responded to the cases transmitted as summarized below.

927. Endika Leonardo González was reportedly arrested on 21 November 1994 and later tortured by members of the Civil Guard (see E/CN.4/1999/61, para. 656). According to the Government, the allegations of ill-treatment were investigated in the proceedings before the Bilbao Examining Court No. 8 and decided by the Provincial High Court of Bilbao in its judgement of 26 February 1998. The Government's reply was accompanied by this judgement which is grounded on, among other things, the provisions of the Convention against Torture. According to the judgement, the detainee received medical attention from the moment he was first arrested, when it was found that he was highly nervous but there were no signs of violence. The day following his arrest he returned to receive medical attention, with similar results. On the third day of detention he complained of ill-treatment and was twice examined by a police surgeon who diagnosed a state of anxiety and psychomotor agitation. The same afternoon, on 25 November 1994, he was admitted to Madrid-1 prison, where a medical examination revealed no sign of injuries. That day he was released and on arriving in Bilbao went to the hospital where his nervousness was again noted and the diagnosis was "general malaise". In the judgement which decided the case, it was established without doubt that there were no external physical injuries and that the detainee was in a state of high anxiety. Two forensic medical examiners agreed that the state of nervousness was a stress syndrome due to generalized non-post-traumatic anxiety consistent with detention and solitary confinement. The accused were therefore acquitted. The plaintiff could have applied for a judicial review of the verdict, but he did not.

928. Utzi García Monterio was reportedly threatened, on 23 April 1998, in the Provincial High Court of San Sebastian by an agent of the Ertzainza (Autonomous Basque Police). He was allegedly tortured in Guipúzcoa by a member of the Ertzainza (see E/CN.4/1999/61, para. 657). The Government replied to this case, enclosing various documents such as the report of the Autonomous Basque Police, the national police report, the relevant court decisions, the records of the police inquiries and the judicial proceedings before the National High Court. On the basis of these documents, the Government reported that the Examining Court No. 5 of San Sebastian had ruled that the case be shelved without García Monterio having appealed against that decision. With regard to the alleged ill-treatment, it noted that he had had a medical examination on the day of his arrest. He had been held incommunicado by order of the court for two days. On 21 November 1996, he was again examined by a police surgeon whom he told that he had been treated properly. No injury that might have been caused by ill-treatment was detected. That same afternoon he complained of ill-treatment to the judge, saying that he had not mentioned it to the police surgeon for fear of further ill-treatment during his stay in the cells of the National High Court. That same day, García Monterio appointed as many as 11 lawyers to defend him, all of whom were accepted by the judge. None of these freely appointed lawyers complained of ill-treatment, appealed or objected nor did they criticize the Central Examining Magistrate for not having conducted an investigation for ill-treatment.

Sri Lanka

Regular communications and replies received

929. By letter dated 15 November 1999, the Special Rapporteur informed the Government that he continued to receive information on the practice of torture and other forms of ill-treatment, in particular in the context of the ongoing armed conflict between the security forces and the Liberation Tigers of Tamil Eelam (LTTE). As in previous years, the Special Rapporteur has received information that persons arrested on suspicion of being members or sympathizers of the LTTE are reportedly tortured, in particular in the north and east of the country and in Colombo. There is a continuing use of unauthorized places of detention, especially in the Jaffna peninsula and Vavuniya, which is believed to be a factor facilitating torture. The People's Liberation Organization of Tamil Eelam (PLOTE) is reported to run such places of detention, where torture is allegedly routinely practised with the tacit approval of members of the army and the police, who are said to regularly visit those camps. Elements within the security forces are reportedly helping these paramilitary groups to protect the secrecy of their camps and the torture taking place there. Prisoners held there are allegedly beaten, administered electric shocks, have petrol poured on their back and lit, and are bitten by dogs on their private parts.

930. Torture of common criminal suspects and people taken into custody in a non-political context is reportedly widely practised, in order to extract confessions from suspects in theft and other criminal cases. The Evidence Ordinance nevertheless contains strong provisions to prevent the extraction of confessions under torture, since it makes them inadmissible in courts. The Supreme Court is said to have awarded compensation to people arrested on suspicion of petty crimes who were subsequently tortured by the police in several cases. It is alleged that members of the public often approach local police officers to intervene in their disputes with neighbours, business rivals, family members or tenants. Many persons arrested in that context are said to have been subsequently tortured.

931. Furthermore, the Special Rapporteur has received information according to which corporal punishments continue to be imposed by courts, including on juveniles. Section 52 of the Penal Code reportedly lists whipping as a punishment to which offenders are liable under the Code. It is explicitly provided for as an additional punishment for theft of, among other things, vegetables and fruits. Section 29.1 of the Children and Young Persons Ordinance 1939 allows whipping to be imposed as a form of punishment by magistrate's courts on male children, as an additional punishment for certain offences. Cases have been reported.

932. Finally, according to the information received, despite the long-term existence of legislation to punish torture, and the enactment of the Torture Act in 1995, this violation is reported to be still committed with impunity. No one has reportedly been convicted in relation to the crime of torture in Sri Lanka. Seven indictments are nevertheless said to be currently before the High Courts, arising from eight judgments by the Supreme Court during 1997 and 1998 where the Court had found police officers had been responsible for torture, had awarded compensation and had recommended further investigations. But it is reported that the Supreme Court has expressed its frustration at the lack of follow-up by the relevant authorities to the Supreme Court's recommendation for further

investigations and appropriate action against members of the security forces involved in acts of torture.

933. The Special Rapporteur transmitted to the Government information on the individual cases summarized below.

934. Weerage Buddhika Weerasinghe was reportedly arrested on suspicion of robbery in May 1996 and allegedly tortured at Pannala police station by being suspended over a rice pounder and hit repeatedly with a hosepipe while being forced to confess. The police in their statements to the court are reported to have denied that he had been tortured. The Supreme Court reportedly awarded compensation to him in a judgment of 31 October 1997.

935. Sinnarasa Anthonymala, a 17-year-old girl from Jaffna, was reportedly shot in the thigh by the Navy while travelling on a boat to India on 16 July 1995. Rescued by the Navy, she was reportedly taken to the Kankesanthurai navy camp, where she was allegedly stripped of her clothing and tortured by being struck on the head with an iron rod, for which she needed stitches. She was also allegedly handcuffed at the ankles and suspended upside down from a window bar, electric wires were applied on her body, and she was burnt with cigarettes and heated metal rods. On 28 August 1995, she was allegedly transferred to the Criminal Investigation Department (CID), where she was reportedly cut on the back of her neck, hit on the mouth and hit on her left leg with a piece of wood. After a month she was allegedly forced to sign seven statements typed in Sinhala. She was then reportedly transferred to the Welikada prison. After three months at the Welikada prison, a bullet was removed from her thigh by the prison hospital authorities. On 27 June 1997, she appeared in court. On her body the examining medical officer reportedly found a number of irregular marks and scars that corroborated all of her testimony of being tortured.

936. Anura Sampath was reportedly taken on 30 December 1998 to the Moratuwa police station and beaten by police officers. The following day, his family was eventually informed by the officer-in-charge that he was dead. They reportedly found his body at the Kalubovilla Hospital. A post mortem inquiry reportedly found that he died from 24 internal injuries, probably caused by assault. The police reportedly stated, however, that he had died after allegedly jumping from the police jeep.

937. Sathasivam Sanjeevan died in police custody allegedly as a result of torture. He was reportedly arrested during a police search operation on 13 October 1998 in Paandiruppu and detained at the Almunai police station, where he was allegedly tortured. On 17 October 1998, the family reportedly went to the Amparai police station and then to the Government Hospital where they were informed that their son had been killed in an armed confrontation with the LTTE when he was being transferred to the Amparai station. A deep cut along his chest had reportedly been stitched up, his tongue severed and stitched together, and there were injuries on his head and hip. A second post-mortem inquiry ordered by the local magistrate confirmed signs of injuries by blunt weapons inflicted before the shooting. The second magisterial inquiry was still continuing.

938. Gopalaratnam Thananjeyan was reportedly arrested in Colombo on 22 August 1998. He was allegedly detained and tortured on the first floor of the Peliyagoda police station for four hours. During his detention he was reportedly beaten. His hands and feet were then allegedly tied and he was suspended from a pipe passed under his knees. While he was in this position, the police

reportedly beat the soles of his feet, legs and back. He is said to have been brought before the Assistant Superintendent of Police (ASP) and vomited. The ASP ordered that he be taken to the hospital and he stayed there until 24 August 1998, when he was taken back to the Peliyagoda police station. He was reportedly released on bail in early January 1999, and is currently awaiting charges.

939. Kumaru Selvaratnam was reportedly arrested in early March 1997 on suspicion of being involved with the LTTE. During the first eight days of his detention at the Slave Island police station in Columbo, he was beaten with a broom stick. He had allegedly been kicked and trampled on to such an extent that his testicles needed to be surgically removed. The Supreme Court reportedly awarded him 100,000 rupees compensation.

940. Suppu Udayakumar, Pichchamuththu Chandran, Arunasalam Yogeswaran, Solamuththu Loganathan, Ponnaiah Saravanakumar and Samimuththu Benedict were reportedly arrested in the first two weeks of June 1998 on suspicion of having participated in the bombing of the Shannon tea factory. They were allegedly arrested because of their involvement with the Socialist Equality Party. Confessions were reportedly extracted from them under torture. All are said to be currently detained at the Bogambara Prison in Kandy. The Special Rapporteur has received detailed information on each of these cases which was transmitted to the Government.

941. T. Ranjani was allegedly arrested on 26 November 1997 in Colombo and tortured by police officers at the Cinnamon Gardens police station. She was reportedly examined by the Judicial Medical Officer (JMO) who found that she had seven injuries and that they were consistent with her allegation that she was hit with a PVC pipe and with sticks.

942. Muthuthamby Vanitha was reportedly arrested on 19 November 1998 by the Kotahena police in Colombo. She allegedly attempted to seek asylum in France, from where she was deported back to Sri Lanka in early October and detained for one week, during which she was allegedly beaten with iron pipes on her stomach and not allowed to use the bathroom. She was examined by a JMO who is said to have found evidence of torture. She is currently at the Welikade women's prison, where she is reportedly receiving medical treatment but is still allegedly suffering from the aftereffects of torture.

943. Periyathamby Subramaniam was reportedly taken into custody on 8 June 1997, by the "Razeek Group", a group which is described as being affiliated to the Eelam People's Revolutionary Liberation Front. He was allegedly burnt, beaten with a wooden rod, burnt on his penis with a cigarette butt, nearly suffocated with a bag containing chilli powder and petrol, pricked with pins on his body, and stabbed with a knife on his shoulder. He was reportedly transferred to Patpodi army camp where melted polythene wax was allegedly poured over his legs and one of his finger nails was removed with pliers. He was also reportedly tortured in the Counter Subversive Unit of the police in Batticaloa. According to the JMO report of 29 September 1998 submitted to the Supreme Court, he showed injuries consistent with his allegation of having been severely tortured. His fundamental rights petition was reportedly pending before the Supreme Court and he is said to be facing a trial before the Batticaloa High Court under the Prevention of Terrorism Act.

944. Thirty-five young men and women were reportedly taken into custody during a round-up by the army from Manipay on 2 January 1997. They were allegedly

detained at the Thavady camp, where they were interrogated about their identity. On the third day of their detention, three soldiers were reportedly killed in an ambush by the LTTE. The soldiers at the camp allegedly started beating the detainees with poles, cricket bats and electric wire. Plastic bags filled with gasoline and ants were allegedly placed over the detainees' heads. On the fourth day of their detention, they were reportedly transferred to Manipay army camp where some complained to the commanding officer about the torture. Later that night, soldiers allegedly came to beat them. Male detainees were allegedly hung upside down by their toes and made to inhale chilli fumes that were being burned under the ropes. They were also allegedly beaten with PVC pipes and wire, and were subjected to electric shocks. Nails are said to have been driven into their hands and feet.

945. Kanapathipillai Sasikumar was reportedly arrested on 3 April 1997, and detained at a tower behind the Indian High Commission, which is said to be a "safe house" used by members of the army. He was allegedly stripped naked, had a bag with gasoline and chili powder pulled over his head and tied to his neck, and was tied to a chair. He was reportedly beaten all over his body with broken legs of tables and chairs and with PVC pipes filled with concrete. His hands were allegedly tied behind his back and he was suspended from a ceiling fan by a nylon thread attached to his thumbs. He was allegedly administered electric shocks. On 5 April, he was reportedly handed over to the Crime Detection Bureau. A doctor at Nagoda government hospital recommended surgery to his penis, but up to October 1998, the authorities at Kalutara prison, where he is detained, are believed to have not acted accordingly.

946. Bathatha Jayatunga Gamage Malsha Kumari, a 14-year-old girl, was reportedly tortured by police at Hungama in September 1995. She was allegedly hung by her wrists from a tree in an effort to make her confess to theft. While she was in this position, she was reportedly beaten with rubber hoses and sticks on her heels and all over her body by four police men. She allegedly was awarded a large sum of money by the Supreme Court to compensate for her ill-treatment. After a lawyer filed a petition to the Supreme Court on her behalf in November 1995, local police officers are said to have tried to persuade her family to withdraw the case.

947. K. A. Sisira Kumara was reportedly arrested on suspicion of having stolen a car radio on 7 December 1998. He was allegedly tortured by four officers of the Sapugaskanda police station by being beaten all over his body. His hands were allegedly tied behind his back, his fingers attached to a thread, and then attached to a rope. He was allegedly hung from a rope by his hands and fingers. From this position he was allegedly swung around the room by officers pulling his hair. He was then reportedly beaten with a thick white-coloured pole. He was reportedly released and admitted to the Colombo General Hospital and received treatment for 14 days.

948. Pradeep Kumar Dharmaratne, a reporter for the Dinamina newspaper, was reportedly arrested in February 1998 for exposing the illicit liquor trade in the area and then criticizing the police for their inaction. He was allegedly struck in the abdomen and face by the police in Aranayake. The Supreme Court reportedly awarded him 60,000 rupees in compensation for his ill-treatment.

949. Velusamy Baskaran, Neelian Yogesan, Vadivel Kanagaratnam and Somasundaram Shanmugarajah, four members of the Tamil Traders Association at Nuwara Eliya, were reportedly arrested in mid-November 1998 and tortured during their

detention. They were reportedly transferred from the police station to the Counter Subversive Unit office where they were severely beaten.

950. Michaelpillai Robert Wellington died allegedly as a result of torture while in army custody at Point Pedro army camp. He was reportedly arrested on 20 July 1998 and beaten. He was allegedly dragged by five soldiers to the army camp and by the next morning was dead. His body is said to have showed marks of severe beatings and knife marks across his entire body, and his hands were broken. His body had six gunshot wounds, allegedly inflicted after his death.

951. Vythilingam Thiruchelvam was reportedly arrested on 31 October 1997 by members of the armed forces at Sudalaiady junction. His hands were allegedly tied up with a rope and he was taken to Uruthirapuram, where he was forced to jump into a latrine. He is said to have received gunshots while in the latrine. A friend of his, Shanmugasuntharam, was allegedly shot dead. The latrine was reportedly then closed. After two days in the latrine, Vythilingam Thiruchelvam was reportedly able to escape.

952. Kanthasamy Kalanithy, a Tamil woman, was reportedly arrested on 25 June 1998 by the army chief of the Mirusuvil army camp, who is said to have wanted to force her to marry one of the Sinhalese soldiers. She allegedly had to stand in front of 10 soldiers, but refused to choose one. She was allegedly gang-raped and then killed. The soldiers refused to hand over her body for examination and they have allegedly attempted to threaten her parents into silence.

953. Vallipuram Suganthi, a 15-year-old Tamil woman, was reportedly arrested on 10 July 1997 by 12 police officers and taken to Wellawatte police station where it is reported that she was severely beaten. She was also allegedly threatened with rape if she did not sign a statement about her involvement with the LTTE, which she eventually did. On 25 July 1997, she was reportedly transferred to the Crime Division Bureau, where she was allegedly beaten with a wooden stick on the head three times and was then threatened with being killed. After her release, she is reported to have undergone medical treatment at the Family Rehabilitation Centre of Colombo.

954. Thambirajah Kamalathasan was one of 192 Sri Lankan asylum seekers who were reportedly arrested on 15 July 1998 and held in detention for several weeks after they were returned to Sri Lanka from Senegal. He was allegedly tortured for several days at the Pettah police station. He was allegedly hit with a rod, had chilli powder rubbed into his eyes, and his genitals were squeezed. He was reportedly transferred to the Terrorist Investigation Department on 21 July 1998, and was reportedly held on the 6th floor. During that time his relatives were allegedly not allowed to see him. He reportedly appeared before the magistrate in Colombo on 6 August and was placed in judicial custody at the Colombo Remand Prison where his family reportedly had access to him mid-August 1998. It is said that he was visited by delegates of the International Committee of the Red Cross who provided him with medical treatment. No investigation into reports of his torture at Pettah police station is known to have been initiated.

955. Moothathambi Vanitha was reportedly deported around 1 October 1998 after attempting to go to France. She was reportedly released after paying a fine. On 19 November 1998, she was allegedly re-arrested by the Kotahena police without being told the charges against her. She was allegedly hit in the lower abdomen, hands and legs with iron pipes. The police denied any form of ill-treatment.

956. Kanapathipillai Navaratam was allegedly detained and tortured with her husband. They were reportedly arrested on 9 August 1997, when they were fishing in the Thalayady Sea. They were allegedly beaten with batons and electric wires. They were then reportedly transferred to the Navy camp at Trincomalee, where they were beaten by at least 10 Navy personnel. When they became unconscious due to the beatings they were reportedly given to the police. They were then reportedly interrogated for 17 days at police headquarters. They were allegedly hung upside down and beaten with batons, had salt water poured on them and were sprayed with chilli fumes over their wounds. They were reportedly then transferred to Poose detention camp and kept there for 10 months, during which time they were allegedly tortured continuously. After appearing in court, they were released under a general amnesty 21 days later from the Kagasean detention camp.

957. Mahalingam Mahenthiren was reportedly arrested on 20 July 1992, when he was fired upon by the Sri Lankan Navy. He was reportedly taken to Trincomalee to be detained at the CID for two months. He was allegedly hung by his thumbs with rope. Gasoline was allegedly injected into his nose and his head was covered with a polythene bag and was beaten. He was allegedly detained for three months and was released by court order at Princomales. He was reportedly arrested under the Prevention of Terrorism Act. He reportedly had chest and back pain and was unable to work.

958. Veeraputhiran-Thevy fled to Paranthan when the Sri Lankan forces reportedly entered the Vadamaradchy area, and then to Mallavi. While en route from Vavunia, she was reportedly beaten by women police on 24 September 1998. She was allegedly hit on the hip, thigh and cheek with iron bars.

959. Krishanthy Kumarasamy, a Tamil, was allegedly raped by army and military officials at a checkpoint in Chemmani. Her mother Rasamma, her 16-year-old brother, Piranapan, and her neighbour, Kirupaharan Sithamparam, went to the Kaithady armycheck post that afternoon, asking for information on her. The soldiers allegedly denied any knowledge of her. When the mother refused to leave without her daughter the three of them were placed in army custody and on that night, they were allegedly strangled to death with rope. They were reportedly all buried in a shallow grave. On 24 October 1996, their decomposed bodies were allegedly brought to Colombo by plane. Her family allegedly received death threats several times from the Sri Lankan armed forces. Somaratne Rajapakse, one of the six members of the security forces who were found guilty of the rape, abduction and murder of the above-mentioned persons and were reportedly sentenced to death in July 1998 by the Colombo High Court, is said to have been assaulted by Welikade Prison guards on 23 August 1998. He reportedly sustained injuries to his mouth, below his left eye and his chest. He was subsequently visited at the hospital by one of the attackers, who is reported to have threatened him not to talk about the incident. During the trial, he reportedly revealed to the court that 300 to 400 other bodies were also buried at Chemmani, Jaffna district, where the body of Krishanthy Kumarasamy had been discovered. The attack on Somaratne Rajapakse is believed to have resulted from his refusal to sign a written statement, allegedly on the order of a Minister, to the effect that he had been emotionally disturbed at the time he made the statement to the High Court about the mass graves and that it had been untrue.

960. S. Selvarani, a deaf and dumb girl, was reportedly raped on 16 March 1998. She was allegedly riding her bicycle to visit a friend when she was stopped at the Meesalal checkpoint in Chavakachcheri. She was reportedly bound

and gagged and then gang raped by several Sinhala soldiers. When she returned home she attempted to kill herself by dousing herself in kerosene and setting herself on fire. The authorities are said not to have taken any action regarding this case.

961. Ehamparam Damayanthi, a 15-year-old girl, was allegedly tortured and sexually assaulted by soldiers at the Patpodi army camp in February 1997. She was allegedly kicked, hit with clubs, had gasoline poured over her face, and was submerged in water. Soldiers also reportedly pinched her buttocks, touched her breasts and asked indecent questions. On 15 January 1998, the Supreme Court awarded the maximum amount in compensation for a 15-year-old girl. The court allegedly noted that the charges of torture were not denied by the soldiers. The Batticaloa High Court found that the confession extracted due to torture was inadmissible and she was therefore released in November 1998.

962. Selvaratnam Ravinsagar was reportedly arrested in Trincomalee on 1 February 1997 by the police. He was reportedly interrogated about a girl who was accused of being a member of the LTTE. He was allegedly handcuffed and beaten by three policemen on the soles of his feet with a wooden bar and a PVC pipe. He was also allegedly hit under his chin with a hard shoe heel and a petrol-filled bag was allegedly put over his head. He was reportedly constantly interrogated about the above-mentioned girl, but he denied knowing her. He is reported to have eventually admitted knowing that this girl was part of the LTTE. After one week he was reportedly interrogated by a sub-inspector of the Crime Detection Bureau (CDB) in Colombo, where he was asked to sign a new statement. He allegedly refused and was beaten again with a wooden bar by the sub-inspector and two sergeants. He was held in the CDB cells for one month, during which time he was handcuffed in such a way that he was unable to lie down. He was then reportedly held in a cell for four months and a half. On 8 July 1997, he was reportedly taken to the Magistrates' Court, where he was advised by his lawyer to plea guilty to the charge of having withheld information from the police, considering the fact that he had already signed a statement. He was reportedly sentenced to 17 months' imprisonment and was immediately transferred to New Magazine Prison. But, due to problems with Tamil prisoners, he was eventually transferred to Kalutara Prison. He was reportedly released on 5 December 1998 and is believed to be receiving medical and psychological treatment.

963. Kandasamy Sri Ram was allegedly tortured by police at Mirihana police station after his arrest on 25 August 1999. He was reportedly given bail on 15 September. Police officers reportedly burnt his body with cigarette butts and he was electrocuted. Pins are said to have been driven into his nails and an iron rod was inserted into his anus. He has made complaints to the Human Rights Commission of Sri Lanka and the Committee to Inquire into Undue Harassment and Arrest. The results of their investigations are not yet known. He is currently receiving medical treatment for physical and psychological trauma.

964. Selvarajah Thenuka, a 10-year-old Tamil girl, from the village of Pathameny, was allegedly gang raped by soldiers at Atchuvely, on 11 November 1996. She was reportedly brought to the Puttur V.C army camp where she was allegedly raped.

965. Srilal Priyantha, a journalist working for the Lakbima, an independent Sinhala-language newspaper, was reportedly arrested on 14 May 1999. He was reportedly accused of the murder of five individuals in the southern uprising of

1989 and 1990 and of having concealed his identity. He reportedly had in fact written articles which exposed the corruption and abuse of power of the security forces. After his arrest, he was reportedly tortured by members of the CID. During his interrogation he was allegedly stripped naked and severely assaulted by police officers. On 14 June 1999, he was reportedly admitted to the Colombo National Hospital to be treated for injuries allegedly sustained during his detention.

966. Pasupathipillai Yogendran was reportedly arrested by the army at Vavuniya on 27 October 1996. He was reportedly taken to the Joseph camp where he was detained for three days. He was allegedly hung with a rope by his ankles and suspended upside down from a tree and beaten with sticks, fists, and wire. The JMO in Colombo found supporting evidence that he had been beaten with an iron pipe and a square shaped wooden rod. A shopping bag filled with gasoline is said to have been put on his head in order to make his breathing difficult. On 29 October 1996, he was transferred to Vavuniya and allegedly beaten with sticks and fists, cut with a knife and his toe crushed. On 25 November 1996, he appeared in court and was then transferred to Anurhadapura prison. On 23 December 1996, he was taken to Kalutara prison, where the examining officer reportedly found a number of irregular marks on his body, especially on his upper chest and abdomen, arms and legs.

967. Kalimuthu Salvarajah was reportedly arrested on 10 July 1995 by officers of the Crime Detection Bureau (CDB). For five days, he was detained at CDB headquarters, where he was reportedly assaulted by CDB officers. He was reportedly cut with a blade and suffocated with a bag of gasoline which was placed over his head. He was reportedly examined by the office of the JMO in Colombo on 17 December 1997. The examining officer reported that many scars over his body were consistent with his allegations. He is said to still be experiencing chronic headaches and reduced movement of his right thumb. He is reportedly being detained at the Kalutara Remand Prison.

968. Luis Rama was reportedly detained on 20 July 1995 by the Sri Lankan Navy for two months. She was then allegedly transferred to the Magazine Prison where she was reportedly suspended by the ankles, cut with blades, burnt with cigarettes and had a bag put over her head. She reportedly had linear scars over her chest and legs, ranging from two to seven inches in length. She reportedly had multiple cigarette burn marks on her left breast, knee, back, and elbow. She was reportedly examined by the office of the JMO in Colombo on 17 May 1997.

969. Sivalingam Kajenthiran, a deaf and dumb man, was reportedly tortured and killed by soldiers. He was allegedly arrested by Sri Lankan soldiers out of suspicion that he was a LTTE spy.

970. Rasanayakam Uthayakumar was reportedly arrested by the Sri Lankan army at Nayanmarkaddu, on 23 October 1998. He was reportedly interrogated at the Gnanams hotel army camp in Jaffna town. On 27 October 1998, his wife was told that her husband was already dead when his body was brought to the Jaffna hospital by the army. The body reportedly showed signs of abuse, including marks on his left foot and right hand, which indicated that he had been tied in chains.

971. Sivam Ashokumar was reportedly arrested by the PLOTE on 24 January 1999, while he was working along the roadside, and was driven away in a minibus. He was reportedly brought to Vairapuliyankulam PLOTE camp on 24 January 1999, and transferred that day to Kovikulam PLOTE camp. He was reportedly chained for

26 days and beaten on the chest, legs and hands with a pole and electric wire. He was reportedly released on 4 March 1999.

972. Arumugam Pakkiri, alias Jeya, and Christie White were reportedly detained on 7 February 1999, by members of the PLOTE. They were allegedly taken to the Kovikulam Junction PLOTE camp and kept there for 11 days. Arumugam Pakkiri is said to have been so severely tortured while he was detained that he was unable to walk at the time of his release. Christie White was also allegedly beaten. They were both reportedly released on 18 February 1999.

973. Chandramalige Bernard Joseph Silva reportedly died at Kandana police station on 22 February 1999. He had reportedly been arrested on 22 February by officers of this police station and his dead body was reportedly handed over to the Ragama hospital by these officers on the following morning. His family was informed by the police that he had died of a heart attack and that he had been taken to the hospital. The Deputy Inspector General of the area was asked to undertake a proper inquiry into the case. The preliminary report of the post-mortem examination submitted by the JMO of Colombo North Hospital reportedly concluded that the deceased had sustained injuries due to repetitive, systematic and selective blows from blunt weapons.

Urgent appeals and replies received

974. On 8 March 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman of the Working Group on Enforced or Involuntary Disappearances on behalf of Silvam Ashokumar who had reportedly been arrested from his home in Vavuniya on 24 January 1999 by members of the PLOTE, and of Arumugam Pakkiri, alias Ieya, who had reportedly been arrested on 7 February 1999 by members of the PLOTE. Both were said to be have been arrested on suspicion of being LTTE members. They were reportedly held in incommunicado detention in an unknown place.

Sudan

Regular communications and replies received

975. By letter dated 29 November 1999 sent in conjunction with the Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteur advised the Government that he had received information on the following cases.

976. Mahjoub al-Zubair, Yahya Ali Abd'Allah, Nassur Mohamed Nassur, Kamil Abd'al Wahab, al Shaikh Al Imam, Mahmoud Kharif and John Macam, all members of the Executive Committee of the reportedly banned General Union of the Sudanese Workers Federation, were allegedly arrested on 7 July 1998 by government security forces. All were subjected to various forms of physical torture, including beatings with plastic pipes and other instruments. They were allegedly forced to stand in the mid-day sun without any shade or access to water, denied food and washing facilities, hit on their faces and detained in small cells. They were also allegedly subjected to various forms of psychological abuse, including frequent death threats and threats of torture, as well as vicious personal insults.

977. Daoud Al Dai and Osman Adlan were reportedly arrested from their homes in Umbadda, Omdurman on 6 October 1998 on suspicion of working in collaboration with the Israel Intelligence Unit, Mossad. Two days later, Mustafa Zaki Al

Hakeem was reportedly arrested from his house in Burri, Khartoum for the same reason. All three men were allegedly detained in the Special Operation Centre of the government security forces, opposite the Arab Bank in central Khartoum. Salah, Ahmed Youssif, Al Sir Attia and Amin Mohamed Ali were allegedly arrested in Wad Medani, also on suspicion of working in collaboration with the Mossad. They were reportedly transferred to the Special Operation Centre in Khartoum and held with the other three men arrested in Khartoum. The six men were allegedly detained together in cramped conditions, without ventilation, and were allegedly subjected to various forms of torture, including electric shock treatment. They were reportedly prevented from sleeping for two days, beaten with water hoses, verbally abused and forced to sleep on concrete. All six were reportedly released without being charged on 23 November 1998.

978. Adam Issa Mohamed, a student at Omdurman Islamic University and member of the student branch of the Ansar Order, was allegedly abducted from the university hostel at Omdurman Islamic University on 21 March 1999 by eight members of the government security forces and National Islamic Front (NIF) student militias. He was reportedly taken to a building behind the Mortgage Bank in Omdurman, where he was subjected to torture. He was found unconscious in a street later that day.

979. Ahmed Izzeldeen, a student at Omdurman Islamic University and member of the student branch of the Ansar Order, was allegedly abducted in front of the university hostel by 18 members of the government security forces and a NIF student militia group on 21 March 1999. He was reportedly blindfolded and taken to an unknown destination, apparently in the desert west of Omdurman, where he was allegedly subjected to torture and ill-treatment. He was reportedly left unconscious near a sewage pipe in the Kafoury area in Khartoum North.

980. Abd Alla Abd Elrahman, Hanan Sahal, Umayma Nouri, Sami Abdullah, Sahar Ibrahim Khairy, Rihab Hassan Abdel Majid, Nuha Omar Khalifa, Umayma Mohamed Osman, Ghandhi Ghris, Adley Anouar, Mohamed Abdeljabar, Kamil Tahar Mohamed Nour, Khidir Hussein, Yasir Osman Hassanain, Safwait Jalal, Salim Osman Mohktar, Nazar Abdalla Ibrahim, Mohamed Abdelkarim Yusif, Suhaib Mohktar, Houda Bukhari, Nafesa Mohamed, Nadir Ahmed Rashid, Sas and Abdel Nasir Izeldin, all students, were reportedly charged and sentenced to a flogging by the Public Order Court in Khartoum on 14 June 1999, for their involvement in a picnic in a Buri town park in Khartoum. The students were attending a picnic which had been organized by the Nuba Students' Association at Ahliya University to welcome new students. The organizers had reportedly obtained permission from both the University Administration and the local council of Buri. The Public Order police allegedly beat participants as they attempted to break up the picnic. The students were reportedly charged under article 152 of the Criminal Code and convicted of the crime of "committing indecent or immoral acts" and "wearing uniform which gave annoyances to public feelings". The Special Rapporteur on the situation of human rights in the Sudan mentioned this case in his report to the General Assembly (A/54/467, para. 120).

981. The Special Rapporteur on the situation of human rights in the Sudan had already raised the following cases with the authorities during his February 1999 mission.

982. Mohamed Ahmed El Nour, Muaiwa Bushra and Ismail Ibrahim Babiker, three student members of the Democratic Front, were allegedly abducted by security forces on the afternoon of 1 December 1998 from the University of Juba. They

were allegedly driven while blindfolded to the Sudanese Student Union building in Al-Mugran, where they were beaten with water hoses, iron rods and the butts of an AK 47 rifle. Mohamed Ahmed El-Nour was also reportedly burnt on the upper part of his back and left shoulder several times.

983. Khalid Al Taher Mustafa, a student at Omdurman Ahlia University and a member of the New Forces Movement (HAQ), was allegedly taken by force by the National Islamic Front (NIF), a student militia group which is said to operate under the protection of the government security forces, at the University of Omdurman on 12 November 1998. He was reportedly driven to a hostel in Abu Kadak, where he was allegedly subjected to various forms of torture, including electric shocks and kicking. His eyes were reportedly gouged with wire, his face was scratched with a sharp blade and the words "Islamic Movement" were tattooed on his back. His head was also reportedly shaved.

984. Mohamed Nourain, Mohamed Rostom and Osama were allegedly arrested in September 1998 in Adariel, Eastern Sudan by Military Intelligence and National Security Forces on charges of having been recruited to work for the opposition intelligence service. Mohamed Rostom and Osama reportedly died under torture in Adariel, while Mohamed Nourian was transferred to Khartoum for further questioning. In October 1998, he was reportedly transferred to Burri Police Hospital where he died of injuries inflicted by various methods of torture.

985. Ali Mirghani Ahmed, a lawyer, was reportedly arrested by government security forces in early July 1998 and detained for one week. Throughout the period of his detention, he was allegedly beaten on his body and face with water hoses, forced to stand in an area with no shade in the midday sun, subjected to psychological abuse, refused food and water and access to his family.

Urgent appeals and replies received

986. On 22 January 1999, the Special Rapporteur sent an urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on behalf of Mohamed Mahjoub Mohamed Ali, a leading member of the banned Sudan Communist Party. He had reportedly been arrested in Khartoum on 28 December 1998 and was held in incommunicado detention. He had reportedly been arrested the day before an open memorandum was sent to President Omar Hassan al-Bashir, signed by himself and 55 other leading members of the Sudanese opposition.

987. On 2 February 1999, the Government replied that he had been arrested on 27 December 1998 on accusations of recruiting and inciting members of the popular defence forces to attack their colleagues while conducting military operations. The Government further stated that the investigation and detention were both being carried out in accordance with the law and that the outcome of the case would be conveyed in due course.

988. On 9 April 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteurs on the independence of judges and lawyers and on the situation of human rights in the Sudan on behalf of lawyers Ghazi Suliman, Mohamed Elzeen El Mahi, Wagdi Salih, El Taieb Idris, Mohamed Abdulla El Nago, Nasr El Din, Mamoon Faroug and Satia Mohamed El Hag. Forty lawyers had reportedly been detained by members of the security forces on 7 April 1999 in

Khartoum following a rally by members of the Sudanese Bar Association. Several persons were injured as a result of the beatings inflicted by the security forces and some needed to be hospitalized. The above-mentioned nine lawyers were arrested on charges of disturbing public order and were being held in an unknown location.

989. The Government replied on 20 April 1999 that the nine lawyers were criminally charged on 7 April 1999 for using force to enter the Bar Association building. It further replied that Ghazi Suliman was sentenced to 15 days' imprisonment and a fine of 50,000 Sudanese pounds on 8 April 1999. The Government indicated that the criminal charges against the other eight lawyers were dropped on 10 April 1999 and that the eight were released. The Government further indicated that their right to physical and mental integrity has been fully ensured throughout.

990. On 28 April 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Father Hillary Boma Awul, Father Lino Sebit, Patrick Clestino Mosajan, Leoboldo Odirar Rahmatallah, Joseph Ashianf Langlang, Fuastino Awol Aduroc, Hassan Abdallah Kenya Zinc, Rizig Ambrose Angoya, Faustino Awol Odong, Charles Oling Dommic, Gabriel Marong Deng, Babiker Fadlallah Abdalla, Kual Boi Beda, Lual Lual Aciek, Mustafa Shamsoom Idris, Karkoun Nawek Daoul, Francis Mabjor, Abdallah Col, Peter Kong, Hassan Abu Adhan, Louis Ojori, Joe Awet Dominic, Khalid Yang and Garang Malek Bak, who had all reportedly been arrested on 29 July or 1 August 1998 in connection with bomb explosions in several civilian installations near Khartoum on 28 June 1998. They were all been subsequently charged with various offences and it was reported that they were now risking the death penalty. They had been held in incommunicado detention since their arrest and allegedly subjected to torture and other forms of ill-treatment during interrogation with a view of obtaining confessions to their involvement in the bombings.

991. The Government replied on 1 and 6 May 1999 that Father Lino Sebit and Father Hilary Boma were arrested in accordance with the law. The Government stated that the two individuals were being treated in accordance with the law, which guarantees the right of physical integrity and for persons not be subject to any inhumane or other forms of degrading treatment. The Government further replied that they have been given access to legal counsel of their choice and had access to adequate medical care. The Government advised that the proceedings had recently been stayed by the Constitutional Court in order to address an objection raised by defence lawyers regarding civilians being tried in a military court. No specific mention was made of the other individuals named in the urgent appeal sent. The Government sent a further reply on 15 December 1999 informing the Special Rapporteur that on 6 December 1999 the President pardoned all the accused. The Government further replied that thereafter, the Minister of Justice ordered their immediate release and ordered a stay of all legal proceedings against them.

992. On 21 May 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on behalf of Mohamed Abd Alseed, a member of the World Organization Against Torture network and correspondent of Alsharaq Alawsat, a London-based Arabic daily newspaper, who had reportedly been arrested on 14 April 1999 in Al Kalakla, District of Khartoum, Mutasim Mahmoud, the chief

editor of the Political Section of Al Ray Alaam, the daily paper in Khartoum, who had reportedly been arrested on 17 April 1999, and Maha Hassan Ali, a journalist at the national news section of the Sudan News Agency (SUNA), who was reportedly arrested on 18 April 1999 at her home in Al Kalakla. Their whereabouts remained unknown.

993. On 17 June 1999, the Government transmitted a reply from the Advisory Council for Human Rights. In relation to Mohamed Abd Alseed and Maha Hassan Ali, the Government replied that they were arrested for investigation in accordance with the law, not because of their profession, but because they were accused of disclosing classified information to certain foreign circles. It further replied that Mohamed Abd Alseed was released on 24 May 1999 and the findings against him had been transferred to the Ministry of Justice for evaluation to determine whether the charges amount to a criminal offence. Maha Hassan Ali was released on 18 April 1999. The Government replied that both were immediately informed of the charges against them and stated that their right to physical and mental integrity had been fully ensured. In respect of Mutasim Mahmoud, the Government replied that he had been summoned for investigation but was never arrested.

994. On 10 June 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Adam abd al-Rahman Hussain, Mohamed Issa Tiato, Mohamed Hamed Ahmed, Fadul Adam abd al-Rahman, Abd Allah Rabih Fadul, Siddieg Suliman Abakar, Mohamed Ibrahim abd Allah, Mohamed Abakar Shigaifat and Ali abd al-Rahman Idris, who were said to have been sentenced to cross amputation, i.e., amputation of the right hand and left foot, and death by hanging, followed by crucifixion. This sentence is said to be in accordance with Sudanese Penal Code, based upon the Government's interpretation of shariah law. They had reportedly been convicted of bank robbery. The sentences have reportedly been submitted to the Supreme Court for confirmation, and if confirmed, will be carried out rapidly. Furthermore, the nine above-named persons have allegedly been deprived of food and sleep, forced to take heavy exercise in the heat, and had cold water thrown over them during winter while in detention.

995. On 26 June 1999, the Government transmitted information from the Advisory Council for Human Rights in response to this urgent appeal. The Government replied that the nine men had been convicted under the Criminal Law Act 1991 and the Arms, Ammunition and Explosives Act 1986 and all but one of them had been sentenced to death. One of the accused persons was set free as the investigations proved no charge against him. The Government reported that another three persons were sentenced to imprisonment for different periods not exceeding three years. The Government also transmitted information about a similar case which occurred in the Darfur region, in which three persons were found innocent and set free and 14 persons were convicted and sentenced to death, under the same two Acts. The Government further replied that in both trials, all accused persons had been tried before free, fair and competent courts and sentenced in accordance with the law, as well as having been given due access to legal representation in the preparation of their defence. The Government also replied that in both trials, the death sentences were not final and had been submitted to the Supreme Court for confirmation.

Follow-up to previously transmitted communications

996. By letter dated 6 January 1999, the Government responded to a number of individual cases which were communicated to the Government by the Special

Rapporteur on 23 October 1998 (see E/CN.4/1999/61, paras. 672, 675-676). In relation to Mohamed Fadol Mohamed, the Government replied that was detained on 8 July 1998 in connection with bombings in Khartoum on 30 June 1998 and was released on 8 August 1998 after an investigation showed that no charges could be laid against him. In relation to Mohamed Abdelsalam, the Government replied that on 4 August 1998, the Omer El mukhtar Khartoum North police station received information that a dead body had been found. An information report was lodged in relation to the death, pursuant to the Criminal Procedures Act 1991. The Government further stated that on 6 August 1998 the Attorney General issued an order for an investigation committee to be formed which was to be chaired by legal counsel. The Committee carried out an investigation at the University of Khartoum and statements were received by the Vice Chancellor, the Dean of Students and some of the deceased's university colleagues. The Government further replied that after a long investigation, the Committee filed criminal charges (No. 1943/98) under the (Murder) Sudan Criminal Law Act of 1991 against an unknown person. The Government stated that the case was now pending at the Omer Elmukhtar Attorney Office which had local jurisdiction over the case. In relation to Amin Badwi Mustafa and Abdulla Ali Abdalla, the Government replied that they were never detained, hence it did not give any information regarding the allegation raised that they had been subjected to beatings with rubber hoses at the Khartoum North Security Headquarters on 16 July 1998.

Observations

997. The Special Rapporteur draws attention to the conclusions of the Special Rapporteur on the situation on human rights in the Sudan, who regrets that in 1999 he has continued to receive reports concerning the frequent use of torture and arbitrary detention affecting, inter alia, human rights defenders, journalists and political opponents.

Switzerland

Regular communications and replies received

998. By letter dated 14 September 1999, sent jointly with the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur informed the Government that he had received additional information concerning a case previously submitted by the Rapporteurs in 1997 relating to the arrest on 5 April 1997 of Clement Nwanko and his alleged ill-treatment (see E/CN.4/1998/38/Add.1, para. 413). The Government had replied to these allegations by two letters dated 27 June and 28 July 1997, in which it had indicated that an administrative inquiry had found that the treatment which Clement Nwanko had received was not compatible with the rules of police behaviour and that the internal procedure for sanctioning such behaviour was still ongoing and should result in disciplinary measures against the officers concerned. According to information recently received by the Rapporteurs, the officers have appealed against the disciplinary decision sanctioning them, namely two warnings and a reprimand ordered by Geneva's chief of police. After this decision had been confirmed by the Department of Justice and Police, a further appeal was reportedly made to a special commission set up under Geneva's police law and consisting of three people representing the Administrative Court, the Council of State and the Geneva police. This commission reportedly decided, on an unknown date, to quash the sanctions against the three policemen. It is understood that Clement Nwanko has not been informed of these latest developments and has still not received any compensation.

999. By letter dated 24 November 1999, the Government confirmed that on 11 September 1998 the Commission had accepted the appeals having found, in essence, that the complaints were groundless. Thus, the warning and two reprimands were quashed by the decisions of 11 September 1998. The Government also noted that on 9 January 1998 the Procurator General had decided to take no further action on the complaint lodged by Clement Nwanko against the police officers who had stopped and questioned him.

Syrian Arab Republic

Urgent appeals and replies received

1000. On 26 April 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on behalf of Nizar Nayyouf, Editor-in-Chief of the monthly journal Sawt al-Democratiyya and Secretary General of the Committee for the Defence of Democratic Freedoms in Syria, who had reportedly been arrested in January 1992. On 17 March 1992, a military court sentenced him to 10 years of forced labour for being a member of an unauthorized organization and for disseminating false information. For over a year, he had reportedly been suffering from Hodgkin's disease, a form of leukaemia that can be cured if treated early by chemotherapy. Prison authorities have allegedly refused to administer medical treatment to him unless he pledges to refrain from political activity and signs a statement acknowledging that he made false declarations concerning the situation of human rights in Syria. He was reportedly held in a small solitary cell in the military prison of Mezze in Damascus, and has not seen the sun for seven years. He was also said to be suffering from the following injuries and diseases due to torture inflicted on him by the prison authorities: his lower limbs are paralysed and his vertebrae fractured; he is going blind because of an injury to his skull; his stomach is haemorrhaging as a result of many hunger strikes and eating food prison allegedly contaminated by the urine of his jailers; burns from cigarettes put out on his skin have apparently healed badly and are said to have caused dermatitis.

1001. By letter dated 7 June 1999, the Government replied that Nizar Nayouf was arrested for participating with a group of Syrian citizens in the formation of an organization that engaged in opposition activities prejudicial to the security of the State with support from bodies outside Syria. It stated that the group deliberately disseminated false information and caused harm to their country under the pretext of defending human rights. The Government replied that he was sentenced in accordance with the law and he was receiving the requisite health care in the same way as any other prisoner, including having been transferred to a hospital and placed under the supervision of medical specialists. It further replied that he was not suffering from Hodgkin's disease, but rather, his only complaint was a discal hernia. Physicians supervising his case reportedly decided that he did not require surgical treatment, but rather merely medicinal treatment. The Government reported that his state of health was improving as a result of the treatment he was receiving.

1002. On 26 April 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Faraj Bayraqdar, a Syrian journalist and poet, who had reportedly been arrested in March 1987 and held incommunicado for nearly seven years before he was brought before a State Security Court in 1993.

Allegedly accused of belonging to the unauthorized "Hizb Al-Amal Al-Shuyu'i", party of communist action, he was sentenced to 15 years' imprisonment on 17 October 1993. Currently held in Seydnaya prison, he is reportedly being denied medical care for serious injuries he sustained as a result of alleged torture he suffered while he was kept in pre-trial incommunicado detention. He reportedly suffers from vertebral lesions and a lumbar fracture, caused by alleged repeated sessions of torture.

Thailand

Urgent appeals and replies received

1003. On 7 December 1999, the Special Rapporteur sent an urgent appeal concerning thousands of migrant workers, many of whom were said to be facing imminent and forcible repatriation to Myanmar, where they may be at risk of torture. Since the beginning of November 1999, thousands of Burmese migrant workers have reportedly been deported to Myanmar. Many of the migrant workers, who allegedly have well-founded fears of persecution, are said to be at risk of being returned with no opportunity to claim asylum in Thailand. Many of those deported were refused entry and forced to return to Thailand where they reportedly face re-arrest. Many are thus reportedly stranded on islands in the Moei river, near Mae Sot in Tak province, and in the surrounding jungle in Thai territory, where they allegedly have no food, water or shelter and are at risk of dysentery and malaria. Finally, thousands of arrested migrant workers were reportedly held in severely overcrowded immigration detention centres, including the main centre at Suan Phlu, Bangkok. They were allegedly held in poor conditions, which include a lack of adequate food, medical care, and sanitation.

Togo

Regular communications and replies received

1004. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information concerning conditions of detention and cases of torture. The Government replied by letter dated 11 October 1999.

1005. According to this information, the conditions of detention in the civil prisons and the Gendarmerie headquarters in Lomé were inhuman and degrading and threatened the health, and even the life, of the detainees. It appeared that life inside Lomé civil prison was completely out of the control of the prison authorities. The prison was said to be run by organized bands of prisoners. Each new arrival reportedly had to pay a certain sum of money to obtain access to a mattress, the shower and the toilets. Corporal punishment was said to be commonplace for prisoners who did not comply with the rules laid down by the inmates in charge of discipline. The Government pointed out that Lomé civil prison, which had been designed for 550 inmates, now had a population of between 800 and 900 because of the increasing number of prisoners awaiting trial. The Government denied that new arrivals had to pay sums of money and the existence of corporal punishment.

1006. In general, the prisons were said to be short of medicines and food. Dozens of prisoners were reported to have died, among other things from tuberculosis and various skin diseases, as a result of lack of medical attention.

1007. Dosseh Dankoh and Kemau Agbojalou reportedly died in July 1997 in Lomé civil prison one month after being admitted; Koffi Tenou reportedly died of malnutrition in September 1998; and Kodjo Ahadju reportedly died after suffering severe diarrhoea in October 1998. Allegedly, the only remedy used was a cold shower to obtain a reaction from the dying detainee. At the Gendarmerie headquarters in Lomé there were three cells called "the big door", "the little door" and "the hole". The latter was practically unventilated. Some people were reportedly held there for months, or even years. These conditions were either intentionally being created by the authorities concerned or were due to their negligence. The Government pointed out that where illness was confirmed the prison medical orderly always provided the sick inmate with primary care before he was removed to the University Hospital Centre (CHU) of Lomé. Thus, the four people mentioned above had been removed to the CHU, where a doctor had found that they had died from natural causes. With regard to the headquarters of the National Gendarmerie, the Government pointed out that the premises mentioned were those used by the guards who sometimes shared them with persons being held in police custody. Moreover, all these premises were well ventilated and healthy. The chief physician of the garrison infirmary visited them daily and the detainees were fed by their families.

1008. The Special Rapporteur had also received information according to which torture was commonly employed at the time of arrest, often in public. It was reportedly also practised during transfer to detention and interrogation centres, in particular those of the Gendarmerie, with a view to extracting confessions. Three people were alleged to have died during their transfer to the Gendarmerie headquarters in Lomé in July 1998. The methods used included the following forms of torture and other ill-treatment: the victim is beaten by the officers present in the courtyard until he arrives at the office in which he is to be interrogated; beating with sticks and carbines; tying a person to a table with his hands and feet bound and beating him; electric shock torture. NCOs were allegedly often present when this was going on. The Government indicated that it was not aware of the three people who died in July and that the allegations of inhuman treatment suffered by detainees at the hands of the Gendarmerie were false and baseless.

1009. The Special Rapporteur transmitted to the Government information concerning, in particular, the following cases.

1010. Ameen Ayodele, a member of Amnesty International (AI) - Nigeria section, was reportedly detained by Togolese security forces from 19 to 27 May 1999, probably because he belonged to that organization. At a frontier post, he is said to have produced his membership card as all his other identity documents had been stolen. He was then apparently accused of being a spy for AI. It is alleged that he was held, naked and without food, for nine days and beaten everyday. He was reportedly twice threatened with death and had a gun pushed into his mouth.

1011. Koffi Agblelé and two Liberian nationals were reportedly beaten with sticks at Sokode around the end of February - beginning of March 1998. They were also allegedly beaten with a rope at the Gendarmerie headquarters in Lomé. According to the Government, the Gendarmerie had referred these persons to the Lomé civil prison on a vagrancy charge.

1012. Richard Koukou Koudaya was reportedly arrested on 12 March 1994 after having criticised someone close to the President. He was apparently taken to the

Landja camp where he was beaten by six soldiers for a week until he agreed to sign a statement that incriminated him. The Government reported that he had been referred by the Kara Gendarmerie on 23 January 1995 for possessing and transporting weapons and for fraud and denied that he had been taken to Landja camp.

1013. Delphine Amenyo reportedly died as a result of blows received on 28 March 1994. She was allegedly buried by the Gendarmerie brigadier in Kara. The Government indicated that it had no knowledge of this case.

1014. Sam Kouma, a trader was reportedly arrested on 26 November 1997. He was allegedly beaten at the Gendarmerie headquarters in Lomé and died from his injuries a few days later. During his detention, he is said to have had his right foot chained to his right hand and his left foot chained to his left hand. In this position, he was allegedly beaten. He was then reportedly tied to a table and struck with a chain, a belt and sticks until he lost consciousness. He is said to have vomited blood through the mouth and nose. The Government reported that he had been stopped and questioned for forgery and making use of forged documents with intent to defraud and while in police custody, unhandcuffed, had attempted to escape. He had then been stopped and seriously manhandled by the population of the Doulassame district before the gendarmes arrived. According to the Government, he was then taken to hospital where he died of heart failure.

1015. Finally, the Government noted that sanctions ranging from several months suspension to outright dismissal are often imposed on those responsible for violating human rights.

1016. The Government has assured the Special Rapporteur of its constant readiness to cooperate and has indicated that it would be happy to receive him in Togo at any time, if he so wished.

Urgent appeals and replies received

1017. On 11 May 1999, the Special Rapporteur and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent a joint urgent appeal on behalf of Tengue Nestor and Gayibor François, executive members of the Togolese Association for the Defence and Advancement of Human Rights (ATDPDH), both arrested on 3 May 1999 by the police at Lomé. Sant'Anna Brice, who had been collaborating closely with this organization, is also reported to have been arrested. All were said to have been held at the National Security headquarters in Lomé and accused of "disparagement of public credit and breach of State security, disseminating false information, forgery and making use of forged documents with intent to defraud" for having transmitted to the human rights organizations erroneous information about violations committed by the Togolese Government, as well as of following the instructions of the opposition parties, namely, Convention démocratique des peuples africains (CDPA) and Union des forces du changement (UFC).

1018. By letter dated 27 July 1999, the Government replied to this urgent appeal, noting that an inquiry had been opened by the Central Directorate of the Judicial Police into the activities of ATDPDH and that this had revealed that some of its members, including the three mentioned above, had been intending to take photographs of traffic accident victims, with a view to attributing these deaths to the law enforcement services, and to communicate these photographs

to AI. On 7 May 1999, they had been referred to the Public Prosecutor's Office in Lomé, after an extension of police custody granted by the Government Procurator. A judicial investigation had been commenced for complicity in defamation, disseminating false information and incitement to rebellion. After they had been charged, a detention order was issued on 7 and 14 May 1999. On the application of the Government Procurator, the accused were released on 18 June 1999 while the investigation took its course. Finally, the Government assured the Rapporteurs that Togo, in accordance with its international obligations, had made significant progress in respecting human rights, particularly in judicial matters, and cited as an example the fact that the National Human Rights Commission had closely followed the developments in this case.

1019. On 25 May 1999, the Special Rapporteur and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent a joint urgent appeal on behalf of Nadjombe Antoine Koffi, a member of the non-governmental organization Amnesty International (AI), who was reportedly arrested on 14 May 1999 in Lomé. He was said to be being detained at the National Security headquarters in Lomé because of his human rights activities within AI. He had been arrested a few days after AI had published a report on human rights violations in Togo during the 1998 elections. By letter dated 5 October 1999, the Government replied to this urgent appeal, pointing out that following the publication by AI of a report libelling the law enforcement services and the Togolese authorities, on 14 May 1999 Nadjombe Antoine Koffi had been arrested and referred to the Public Prosecutor's Office five days later. He had been charged in connection with the same case as that mentioned in the Government's reply dated 27 July 1999 (see above). He had been released from Lomé civil prison on 18 June 1999 on the application of the Government Procurator. However, the Government noted that the investigation was following its course and stressed that the fears of ill-treatment were unfounded. It also reiterated the Government's intention to establish a genuine human rights culture within the country's various social and occupational groups.

Tunisia

Regular communications and replies received

1020. By letter dated 3 September 1999, the Special Rapporteur informed the Government that he had received information concerning the following cases.

1021. Ahmed Ben Salah Zamel Taboubi was reportedly arrested on 19 March 1996 by officers from the Hélal police station. When arrested on the public highway, he was allegedly stripped and beaten and had a truncheon forced into his anus. The police officers are said to have ordered some of those present were obliged to spit on him and hit him. He is then reported to have been taken away semiconscious in a police car from which he was repeatedly thrown out.

1022. On 18 June 1994, Mohammed Hédi Sassi, an inmate of Tunis civil prison, was reportedly slapped by a warder whom he had failed to salute. He was then allegedly given a thrashing by other warders who had been ordered to "correct" him. He is then said to have been chained up in a cell, semiconscious and vomiting. The next day, the prison disciplinary board reportedly gave him 10 days of solitary confinement. It is alleged that he had to wear chains continuously for 10 days and was given only bread to eat. On 15 March 1995, he was apparently again beaten by the warders and given 10 days of solitary confinement. When visited by his legal advisors a few days later, traces of the

ill-treatment he is said to have received were allegedly still visible. He reportedly lodged a complaint with the prosecutor's office of the Tunis Court of First Instance on 13 April 1995. Apparently, no action was taken.

1023. Abdelmoumen Belanes, Bechir Agid and Ali Jellouli were reportedly arrested on about 28/30 November 1995 for belonging to the Communist Party of Tunisian Workers. While in custody, they were allegedly subjected to the so-called "roast chicken" treatment which consists in suspending someone from a bar, with his hands and feet tied, and beating him ferociously, the so-called "bathtub" treatment which consists in immersing someone in a bathtub full of water, electric shocks and sleep deprivation. It appears that no investigation or medical examination was ordered.

1024. Abdelmoumen Belanes, on whose behalf the Special Rapporteur sent an urgent appeal on 26 February 1999 following a further arrest, was allegedly again tortured while being held incommunicado at the end of February 1999 in the Bouchoucha police station and at the Ministry of the Interior. He was reportedly transferred to the Neuf Avril prison in Tunis on 2 March 1999. The Government replied to this urgent appeal (see below).

1025. Imen Derouiche, a woman with heart trouble, is alleged to have been hit so hard in the Mannouba women's prison in Tunis on 16 June 1998 that she had to be hospitalized.

1026. Lofti Hammami, on whose behalf the Special Rapporteur had sent an urgent appeal at the time of his arrest in February 1998 (see E/CN.4/1999/61, para. 710), was reportedly tortured from 21 to 28 February 1998 at the Ministry of the Interior. Among other things, it is alleged that a string had been tied round his testicles and pulled by an officer while he was suspended from the ceiling by his feet. At his first appearance, his lawyers are said to have asked for a medical examination and immediate appropriate medical treatment. These requests were reportedly refused, although the prison doctor who examined him is said to have recommended an operation. He was allegedly suffering from inflammation of the testicles.

1027. Maître Néjib Hosni, sentenced to eight years imprisonment for "forgery of a contract of sale", was reportedly interrogated by State Security agents at the Ministry of the Interior on 8 November 1995. He is said to have been interrogated concerning weapons. It is alleged that he was strung up in the "roast chicken" position and viciously beaten with sticks and whips all over his body. The next day he was reportedly twice subjected to electric shocks and finally lost consciousness. He was allegedly thrown naked into a cell where he was subjected to continuous insults by the warders. The Bar Council is reported to have asked for an inquiry to be opened, but nothing has been done.

Urgent appeals and replies received

1028. On 26 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Abdelmoumen Belanes and Jalal Ayachi. It was reported that they had been arrested on 21 February 1999 at Tunis and since held incommunicado, probably in the Ministry of the Interior in Tunis.

1029. By the same urgent appeal, the Special Rapporteur informed the Government that he had received information concerning Fahem Boukaddous who had been charged in connection with the Communist Party of Tunisian Workers (PCOT) case

of February 1998, mentioned in the Special Rapporteur's letter dated 12 October 1998 (see E/CN.4/1999/61, para. 696 et seq.). He was reportedly arrested at the same time as the previous two persons. Although already charged, he was allegedly not brought before a judge until 25 February and then admitted to the Neuf Avril prison in Tunis. He was said to suffer from severe bouts of asthma for which he needed constant medical attention. Moreover, it seems that he had to be taken to hospital during his first night in detention, but was later brought back to the Ministry of the Interior. The conditions of detention in the Neuf Avril prison, especially the overcrowding and the fact that his fellow detainees were apparently allowed to smoke, could seriously worsen his state of health.

1030. By letter dated 17 May 1999, the Government replied that Fahem Boukkaddous and Abdelmoumen Belanes had been arrested on 21 and 23 February 1999, respectively, for different offences, including participation in a project aimed at harming persons and property by intimidation and terror, conspiracy and holding illegal meetings. When they were brought before the senior examining magistrate at the Tunis Court of First Instance, their examination was postponed to enable them to obtain the assistance of legal advice. Detention orders were issued against them by the examining magistrate. The Government denied that they had been ill-treated and noted that Fahem Boukkaddous had been kept under medical observation. As for Jalel Ayachi, the Government said that he had never been arrested.

Follow-up to previously transmitted communications

1031. By letter dated 8 January 1999, the Government replied to the letter sent on 30 September 1998, jointly with the Special Rapporteur on violence against women, concerning the wives of opponents in detention or exile, who were said to have been ill-treated (see E/CN.4/1999/61, para. 690 et seq.).

1032. With regard to Jallila Jalleti, Zohra Saadallah and Naziha Ben Aissa, the Government pointed out that their husbands were activists belonging to the integrationist and terrorist movement Ennahda. However, they had never been harassed or sexually abused. The Government also noted that no complaint had been lodged with the judicial authorities.

1033. With regard to Radhia Aouididi, the Government confirmed that she had been arrested in November 1996 while trying to leave the country with a false passport, which had led to a police inquiry being opened. The inquiry had found that the passport had been given to her by Sabia Ben Karmi, who herself had obtained it from a member of Ennahda. Consequently, a detention order had been issued against her by the first examining magistrate of the Tunis Court of First Instance of Tunis on 16 November 1996. Finally, on 26 May 1998 she was sentenced by the Criminal Division of the Tunis Court of Appeal to three years imprisonment for complicity in a plot to harm persons and property with a view to creating an atmosphere of terror and intimidation, three months for complicity in forgery and three months for complicity in the use of a forged document, together with five years of administrative surveillance. She is currently serving her sentence in the civil prison of Manouba. According to the Government, the allegations of torture and sexual abuse are totally unfounded.

1034. By another letter dated 8 January 1998, the Government replied to the allegations concerning the treatment of the persons accused in the so-called

Communist Party of Tunisian Workers case transmitted by the Special Rapporteur in October 1998 (see E/CN.4/1999/61, para. 696 et seq.).

1035. The Government confirmed that they had been arrested in February-March 1998 and heard by the senior examining magistrate of the Tunis Court of First Instance in the presence of their legal advisors. They had been charged, among other things, with participation in a plot to harm persons and property, conspiracy to commit assaults on persons, incitement to rebellion and organizing illegal meetings. They were placed under pre-trial detention in the civil prison of Tunis. The Government stressed that they had not been subjected to any ill-treatment there and that they were receiving regular visits from their families and lawyers. The case was taking its course.

1036. With regard to Ridha Khemiri (see E/CN.4/1999/61, para. 709), the Government reported that he had been placed under arrest in the civil prison of Jendouba on the orders of the examining magistrate of the Jendouba Court of First Instance for participation in a plot to harm persons and property. According to the Government, on 2 June 1997, he commenced a hunger strike which he refused to break off despite the appeals of the prison staff. He received constant medical attention. On 17 and 22 July, he was transferred to Jendouba hospital where he refused all treatment, but where his condition was found to be stable. He was returned to prison after having signed a statement in which he assumed full responsibility for the possible consequences of his refusal to eat. On 25 July, showing signs of fatigue and faintness, he was rushed to hospital where he was pronounced dead. The autopsy showed that he had died of acute cardio-respiratory arrest due to a disturbed mineral salt metabolism.

Observations

1037. The Special Rapporteur notes with regret that his request made last year for an invitation to visit the country has received no response.

Turkey

Regular communications and replies received

1038. By letter dated 23 November 1999, the Special Rapporteur advised the Government that he had received information according to which prosecutors are frequently unwilling to open investigations or recommend trials.

1039. In particular, the Special Rapporteur transmitted information on the following individual cases.

1040. Fifty persons from Tilkiler and four other villages in the Kahraman Mara province, namely, Tõrolar, Çõçenler, Allua and Musolar were reportedly arrested between 8 and 12 June 1999, and subsequently detained at the Pazarck Gendarmerie Command. They were allegedly severely beaten with truncheons, forced to eat human excrement and suspended by their arms, which were tied behind their backs.

1041. Vasfi Karakoç was reportedly detained on 31 August 1998 and questioned at the Anti-Terror Branch of Bozyaka Police Headquarters for possession of an unlicensed firearm. He was allegedly blindfolded, given electric shocks, suspended by the arms and his head beaten against the walls. As a result of this treatment, he had reportedly lost the hearing in one ear and was troubled with headaches. He reportedly obtained a medical report consistent with his

allegations and made a complaint to the public prosecutor, but was shortly afterwards visited by police officers who threatened him. On 2 September 1998, he reportedly went to Izmir's city walls and set fire to himself, naming the officers who he claimed had tortured him. He died of his injuries on 7 September.

1042. Deniz Özcan, a 17-year-old high-school student, is a witness in the prosecution of 11 police officers charged with beating to death the photographer Metin Göktepe (on behalf of whom the Special Rapporteur intervened in 1996 (see E/CN.4/1997/7/Add.1, para. 498) while he was in custody in Istanbul in January 1996. Arrested at a demonstration in Istanbul two months later, he was reportedly detained at the Anti-Terror Branch of Istanbul Police Headquarters, where he was threatened. He was then allegedly suspended by the arms and subjected to electric shocks. His throat was allegedly squeezed. He was later released and reportedly obtained a medical report, which recorded that he had bruising and burns to a finger. In the following days he and his mother were reportedly threatened by police on several occasions.

1043. Ali Serkan Eroglu, active in left-wing politics, was reportedly arrested on 27 November 1997. He was reportedly blindfolded and taken to an unknown place, where he was interrogated and tortured for eight hours. On 1 December 1997, he reportedly made a statement to the Turkish Human Rights Association (HRA) and made a complaint to the public prosecutor. Three weeks later his body was found hanging from a belt around his neck in a toilet at the Faculty of Communication at the Aegean University. The Forensic Medicine Institute of Izmir gave the cause of death as "suffocation due to hanging", reportedly suggesting that he had committed suicide. A second autopsy is said to have revealed that his blood contained traces of chloroform and ethanol. In June 1998, 23 people from his circle, including his girlfriend, were detained. The police allegedly sexually assaulted her and tried to force her to make a statement suggesting that he had committed suicide because she had ended their relationship. Other friends were reportedly subjected to sexual harassment, electric shocks and being hung by the arms. The Izmir Public Prosecutor has reportedly opened an investigation into his death, but as yet no one has been charged.

1044. Gazali Turan was reportedly arrested on 21 March 1999 in Izmir during Nevruz celebrations. She was accused of carrying the flag of an illegal armed organization. Police officers allegedly applied electric shocks to her fingers on three occasions, and threatened to strip her naked and torture her further unless she admitted to their allegations. She reportedly signed a statement, but because she cannot read, does not know what she signed. She was not given access to legal counsel after the fourth day of detention. The Izmir State Security Court Prosecutor reportedly ignored her statement that she had been tortured. At the end of the detention, a doctor reportedly issued a medical report stating that she was in good health, without examining her at all.

1045. Hüseyin Çelik was reportedly detained on 1 May 1998 at the Anti-Terror Branch of Istanbul Police Headquarters. He was allegedly beaten and kicked at the time of arrest. At the Anti-Terror Branch, he was allegedly taken from a cell to a place of interrogation, blindfolded and stripped down to his underwear. The police officers interrogating him reportedly squeezed his testicles. He was allegedly hosed with pressurized hot water and cold water directed at his head, testicles and throat. On 5 May he was brought before a doctor, who reportedly recorded small cuts to his ankle and a bruise to the

chest. He complained of torture to the State Security Court prosecutor, who reportedly took no action.

1046. Ali Ekber Öz and his wife, Nuran Öz, were arrested at their home in Antalya together with Ali Ekber Öz's sister on 2 October 1994. On 4 October another veterinary surgeon was reportedly arrested at his home in the same city. All three were interrogated at Antalya Police Headquarters in connection with alleged membership of the Revolutionary People's Party, Devrimci Halk Partisi (DHP). Electric shocks were allegedly applied to Ali Ekber Öz's foot and genitals. Nuran Öz was allegedly subjected to threats, kicking, slapping, rape threats, death threats, being stripped of her clothes, hosed with pressurized cold water, and electric shocks. The third veterinary surgeon was also allegedly beaten, stripped of his clothes, hosed with cold water under pressure, made to squat with a thick pole behind his knees, and given electric shocks to his genitals and feet. They were all allegedly held in incommunicado detention for nine days and were not seen by a doctor. They all signed a prepared statement that they were reportedly not authorized to read. Ali Ekber Öz was later convicted of handling explosives and of membership of an illegal armed organization and sentenced to 12 years and six months' imprisonment. He is currently held in Çanakkale prison. The judges at Izmir State Security Court reportedly failed to investigate the allegations of torture and allowed statements retracted as having been taken under torture to be read out in court and to rest in the case file, in spite of protests by the defendants' lawyer.

1047. Furthermore, the Special Rapporteur has transmitted information according to which judges are reluctant to convict members of the security forces or to impose custodial sentences upon them. In a number of cases, it is alleged that, while criminal charges have been brought against alleged torturers, the measures have not resulted in final convictions or sentences reflecting the gravity of the offence. In particular, the Special Rapporteur has transmitted information on the following individual cases summarized below.

1048. Three boys aged 10, 11 and 12 years were reportedly arrested while collecting scrap metal from a rubbish dump in Istanbul on 3 March 1997, and taken to the Public Order Department of Küçükçekmece police station. During 32 hours' incommunicado custody the boys were reportedly stripped down to their underwear and locked in the toilet, where officers urinated on them and made them lie on human excrement. The children were allegedly asked to "choose" between electric shocks or beating, were beaten with wooden truncheons, sexually assaulted and forced to sign confessions to theft of a tape recorder. However, when the boys were brought to the prosecutor, one of the boys reportedly stated that he had been given electric shocks, which was reportedly later confirmed by a medical certificate describing "bruises on the right temporal region, and black burns established as having resulted from electricity". They were then referred to Bakirköy State Hospital where they reportedly received medical certificates describing bruising consistent with their allegations. The Küçükmece Public Prosecutor reportedly indicted three policemen under article 245 of the Penal Code for the lesser charge of ill-treatment, rather than under article 243 for the more serious charge of torture.

1049. Cengiz Aksakal reportedly presented himself for questioning at the gendarmerie post at Veliköy village, near Savsat, in Artvin province, on 18 October 1980. He died in hospital six days later allegedly from injuries inflicted during interrogation. His family filed a complaint against the Provincial Gendarmerie Regimental Commander and the non-commissioned officer in

charge of the gendarmerie post. The trial continued until 1992, when both defendants were reportedly sentenced to four years and two months' imprisonment by Artvin Criminal Court. The sentence was overturned by the Appeal Court and there was a retrial. This time the two officers were reportedly acquitted on the grounds that, although it had been established that Cengiz Aksakal had been tortured to death, there was insufficient evidence to convict the defendants. The verdict was overturned and there was yet another retrial, beginning in 1994, held at Ardahan Criminal Court. In 1997, both defendants were convicted and sentenced to imprisonment for two years and one month. The sentence was confirmed by the Appeal Court in December 1998. In the intervening years, the Provincial Gendarmerie Regimental Commander had reportedly been promoted from lieutenant to major and, at the time the sentence was imposed, was serving as Director of the Public Order Department of Antalya Provincial Gendarmerie Regiment Headquarters. The officer in question is said to have retired shortly after the verdict was given.

1050. Ali Riza Agdogan was reportedly taken into custody in Istanbul on 13 February 1991, while handing out leaflets protesting against the Turkish Government's role in the Gulf War. He was interrogated at a police station in the Beyoglu district of the city. That evening he "fell" from the third floor of the building. An autopsy report revealed that his body bore marks consistent with torture: bruising under the armpits and on the soles of the feet, as well as marks on the fingers and toes. It was never established whether the 19-year-old had jumped from the window to escape torture, or had been thrown. Two police officers were tried for torturing him, and on 6 February 1998 were sentenced to five years and six months' imprisonment by Beyoglu Criminal Court No 1. The Appeal Court confirmed the view that the officers had committed an offence of torture, but overturned the sentences on the grounds that the required period for prosecution had elapsed.

1051. Abdullah Salman, a 13-year-old boy falsely accused of theft, was allegedly blindfolded, choked, kicked, punched and subjected to electric shocks by a police chief, while other officers reportedly laughed, at Kurtulus police station in Istanbul in 1994. The police officer is said to have been found guilty and was sentenced to a fine of 900,000 Turkish lira by Sisli Criminal Court. The Appeal Court overturned the conviction on technical grounds in June 1997 and returned the case for retrial. The police chief in question is reportedly still on duty.

1052. Halil Ibrahim Okkal reportedly ended up in intensive care after interrogation, for alleged theft, at Çinarli police station in Izmir on 27 November 1995. He was allegedly questioned by two policemen, who took him to the toilet where they beat him with a truncheon and kicked him after he fell on the floor. The police commissioner convicted of torturing him was reportedly promoted to chief commissioner during the course of the trial, and sentenced, together with another officer, to a fine of 750,000 Turkish lira and suspension from duty for two months by Izmir Criminal Court No. 2 on 30 October 1996. The Appeal Court overturned the verdict and, after a retrial, the officers were each given a 10-month prison sentence in March 1998. These sentences were suspended.

1053. Yelda Özcan, a member of the HRA, was reportedly severely beaten on 4 July 1994 by a chief commissioner. Her clothes were allegedly torn off and as a result of the beating she received, her eardrum was perforated. The chief commissioner was reportedly convicted on 26 December 1996 by Istanbul Beyoglu Primary Court No 1. He was reportedly sentenced to three months' imprisonment

and three months' suspension. The punishments were converted to a fine of 450,000 Turkish lira.

1054. Sixteen juveniles and young people were reportedly arrested at Manisa Police Headquarters between 26 December 1995 and 5 January 1996. They were allegedly stripped naked, sexually assaulted, hung by the arms and subjected to electric shocks. During the trial at Manisa Criminal Court, during the course of which the young victims allegedly continued to be subjected to intimidation and one of them attempted suicide, the prosecutor changed the charges from torture to ill-treatment. In March 1998, the police officers were acquitted, but this was overturned by the Appeal Court in October 1998, which concluded that "the defendants had actively participated in torture" and ruled that they should be sentenced. However, a retrial at Manisa Criminal Court concluded on 27 January 1999 with a further acquittal.

1055. By letter dated 23 November 1999 sent jointly with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur advised the Government that he had received information on the following case.

1056. Fatma Deniz Polattaş, a 19-year-old Kurdish girl, and her 16 year-old friend were reportedly arrested in Iskendrum, respectively on 8 and 5 March 1999. Both were taken to the Anti-Terror Branch of the police headquarters in Iskendrum where they detained for five and seven days, respectively. They were allegedly blindfolded, prevented from sleeping and going to the toilet, denied water and food. The police allegedly made them strip and told them to stand in an exhausting position for long periods of time. They are also said to have been routinely insulted and threatened. The 16-year-old girl was allegedly exposed to verbal and sexual harassment, continually beaten on her genitals, buttocks, breasts, head, back and legs, forced to sit on a wet floor for a long time and roll naked in water, suspended from the arms and exposed to pressurized cold water. Fatma Deniz Polattaş was allegedly subjected to the same treatment and to anal rape. She was reportedly told by the police officer that even a doctor would not be able to prove that she had been raped. A formal complaint was reportedly lodged against the police officers and subsequently, in November, an investigation was opened. The two girls have reportedly sentenced to long prison terms after being charged with membership of the Kurdistan Workers' Party (PKK) and taking part in a violent demonstration against the arrest of PKK leader Abdullah Öcalan. The two girls have reportedly claimed that their convictions are based on statements allegedly extracted under torture, yet they remain in prison pending an Appeals Court decision. While in detention, the girls are said to have undergone several medical examinations, including a virginity test which is said to be traumatic, by different doctors. None of the doctors reported signs of violence. A later report by the Turkish Medical Association describes medical symptoms which match the girls' testimonies of sexual torture.

1057. The Government replied on 15 December 1999 that Fatma Deniz Polattaş and her friend (whose name is known by the Special Rapporteur) were detained between 5 and 8 March 1999, interrogated and subsequently imprisoned on 12 March 1999. Fatma Deniz Polattaş and her friend were sentenced to 12 years 6 months, and 8 years 4 months, respectively. The Government stated that both women were subject to medical controls before, during and after their detention. The Government stated that during the medical controls, both women went through virginity tests each time and the results of these controls revealed that they were not tortured nor subjected to any other ill-treatment such as rape, including anal rape. The Government also informed the Special Rapporteur that

during the investigation stage both women met with their relatives. It further stated that a complaint was lodged by Fatma Deniz Polattaş alleging that she had been tortured and subject to anal rape, and that she was sent to the State Hospital of Iskenderun for further tests which confirmed that she was not tortured or raped. The Government stated that upon these reports, the Public Prosecutor decided that there was no indictable offence; however, the case was transferred to the office of the head officer of the district on 14 June 1999 for further investigation. The Government stated that during this investigatory phase, Fatma Deniz Polattaş denied her prior allegations of torture and rape. Their cases are pending at the State Security Court of Adana and the Government stated that both women have been transferred from Iskenderun prison to the Kürkçüler prison in Adana.

Urgent appeals and replies received

1058. On 16 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Abdullah Öcalan, who had been forcibly returned to Turkey from Nairobi, Kenya. He had initially been taken to Istanbul and then transferred to an unknown location outside of Izmir, where he was being interrogated. On the same day, the Special Rapporteur issued a press statement regarding that urgent action.

1059. The Special Rapporteur has received a number of communications from the Government in relation to this case. On 26 February 1999, the Government transmitted written extracts of a press conference held on 21 February 1999 by the Prime Minister, Mr Bülent Ecevit. He indicated that Abdullah Öcalan was not subjected to torture and was under the guarantee and protection of Turkish law. Furthermore, the Prime Minister stated that health controls were being regularly made and that his rights were being respected. On 9 March 1999, the Government sent the Special Rapporteur a fact sheet on the case, in which it stated, inter alia, that high security measures were being applied to protect Abdullah Öcalan in prison. In terms of his heath, a cardiologist and an internal specialist from the University of Uludag had been assigned to observe his health closely. The Government stated that after these consultations, health reports were being issued and regularly conveyed to the European Court of Human Rights and the European Committee for the Prevention of Torture. The Government further stated that an application against Turkey had been filed at the Court of Human Rights by his lawyers on 16 February 1999, based on, inter alia, article 3 of the European Convention regarding torture. The Government stated that the case was heard on 23 February 1999 and that the Court decided that there was no need for interim measures at that stage. However, the Court submitted questions to the Government which the Government indicated would be duly answered on time. Finally, the Government informed the Special Rapporteur that a delegation from the European Committee for the Prevention of Torture had visited police detention centres and police organizations in Istanbul, as well as the Imrali prison where Abdullah Öcalan was incarcerated, from 27 February to 3 March, after informing the Ministry of Foreign Affairs. On 24 March 1999, the Government transmitted another fact sheet in which it repeated that he was receiving daily medical care and that the medical reports were being transmitted to the European Court of Human Rights and the European Committee for the Prevention of Torture. The fact sheet also outlined several meetings that had taken place between Abdullah Öcalan and his legal counsel.

1060. On 23 February 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions

and the Special Rapporteur on the independence of judges and lawyers on behalf of the following eight lawyers from the local headquarters of the People's Democracy Party (HADEP) in Diyarbakir: Feridun Çelik, HADEP provincial president, who is also reported to be the Turkish lawyer for Abdullah Öcalan, Selim Kurbanolu, Abdullah Akn, Yusuf Tosun, Sinan Tanrkulu, Mansur Reitolu, Mahmut Vefa and Ferda Pokerce. The Special Rapporteurs also transmitted information on large-scale arrests at HADEP offices throughout the country. Following house-to-house raids by special team members, village guards, gendarmes and police, an estimated 500 people were allegedly detained at Kzltepe police headquarters, the Gendarmerie headquarters and Korsar police station. More than 700 persons were reportedly detained in Diyarbakir, 150 in Istanbul, 50 in Batman, 10 in Van, 10 in Elaz and 10 in Izmir. All were reportedly being held under the Anti-Terror Law, which provides for incommunicado detention for up to seven days. In Kzltepe, Mardin province, a non-violent demonstration on 19 February 1999 calling for independent monitoring of Abdullah Öcalan's trial was allegedly fired on by security forces; at least one person was killed and a number of others were injured. Shootings reportedly occurred in Ersoy, Korsar, Yenimahalle and districts of Kzltepe where security forces opened fire using machine guns and then moved into the area in four-wheeled armoured vehicles.

1061. On 9 July 1999, the Government replied to this urgent appeal. It stated that the eight above-named lawyers were taken into custody on 16 and 17 February 1999 by the Directorate of Security of Diyarbakir, on grounds of protesting and demonstrating against the arrest of Abdullah Öcalan. They were all released on 22 February 1999 following an interrogation and the cases against them were continuing. The Government further replied that medical reports established that none of the lawyers were subjected to any torture or ill-treatment while in custody. In response to the allegation of largescale arrests at HADEP offices throughout the country, the Government replied that it was not possible to provide concrete information regarding the allegation; however, it forwarded information including names of individuals, who were detained and released in Diyarbakir, Batman, Elazig, Istanbul, Van and Mardin. The Government further replied that an illegal demonstration took place on 25 February 1999 in Batman, where 25 demonstrators were arrested. The Government stated that the demonstrations were inspired and organized by the HADEP political party headquarters in Batman, which was the reason why a search was made of the premises of the political party. It denied that any shooting took place and stated that high security measures were taken.

1062. On 4 March 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteurs on the independence of judges and lawyers and on extrajudicial, summary or arbitrary executions on behalf of the following lawyers representing Abdullah Öcalan (see above), who had allegedly been assaulted and intimidated by the police: Ahmet Zeki Okçcuolu, Irfan Dürdan, Niyazi Bulgan, Mükrime Tepe (f), Refik Ergun, Ahmet Avar, Turgay Kaya, Derya Bayr (f), Hasip Kaplan, Niyazi Cem, Sait Karabakan, Zeynei Polat (f), Doan Erba, Filiz Kalayc and Fehim Güne. Projectiles, including stones and metal objects, had reportedly been thrown at the defence lawyers, who had to leave the courtroom. All had reportedly been taken to the nearby police station, where they were allegedly threatened to be killed. They were then reportedly taken to the market place of Yeniehir where police officers allegedly beat and kicked them. Some were reportedly injured.

1063. On 8 March 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on

behalf of Devrim Taş, who had reportedly been arrested on 5 March 1999 with his girlfriend and 25 other persons at the BEKSAV Cultural Centre in Kadıköy by two uniformed and an estimated four plain-clothed policemen. He was reportedly taken to the Anti-Terror Branch of Istanbul Security Headquarters. Süleyman Yeter, who was detained at the same time, died during interrogation.

1064. By letter dated 18 March 1999, the Government responded to this urgent appeal by indicating that according to information provided by the Security Directorate General of Istanbul and medical reports, none arrested at that time had been subjected to torture. It indicated that Süleyman Yeter, who was on the "search list" of the police on suspicion of being an active member of the illegal Marxist-Leninist Communist Party (MLKP), started a hunger strike and fainted during interrogation after the second day. He was reportedly immediately taken to the nearest hospital, where he died. The Government promised to send the Special Rapporteur further information on this last case.

1065. On 8 July 1999, the Special Rapporteur sent an urgent action on behalf of Sirri Usta, who had reportedly been arrested in the Nurtepe district of Istanbul on 6 July 1999. Witnesses reportedly saw plain-clothed policemen fire five or six shots and try to drive into him. He was reportedly taken away in a police vehicle.

1066. The Government replied on 29 September 1999 that he was interrogated on 6 July 1999 after police came across him while they were performing an identity-card inspection. It indicated that he had submitted a forged student identity card to the police. When the police became suspicious of him, he tried to run away and was chased by police officers. He was eventually caught, injured, by the police on that day. He was then interrogated on the grounds of his alleged participation in the activities of the so-called "Union of Turkish Revolutionary Communists-Bolsheviks" organization and a case was transmitted to the office of the Chief Prosecutor of the State Security Court in Istanbul on 13 July 1999, in compliance with relevant legislation on detention and interrogation. The Government advised that he was currently in the Umraniye (Istanbul) E-type prison. The Government also advised that he had lodged an official complaint with the Office of the Chief Prosecutor of the State Security Court of Istanbul on 20 July 1999 claiming that he had been subjected to torture while in detention. A medical report, issued on the same day that his complaint was filed, indicated traces of torture on his body and stated that he should have been given leave from his duties for one week. The Government stated that an inquiry was under way in relation to the officers who interrogated him and that a court hearing had taken place in which those allegedly responsible had been called to give evidence. The case is pending in the State Security Court, Istanbul.

1067. On 8 July 1999, the Special Rapporteur sent another urgent appeal on behalf of Hakk Alpan, who had reportedly been detained on 29 June 1999 at the Ipsala border post when he tried to enter Turkey from Greece using a false passport. He had reportedly been held initially in police custody in Edirne and later transferred to Istanbul Police Headquarters Anti-Terror Branch. He was then transferred to Tunceli Police Headquarters when the Tunceli Police Headquarters informed Istanbul that they had a warrant for his arrest.

1068. On 10 August 1999, the Government replied providing information from the Ministry of Justice. The Government confirmed the date, place and circumstances of Hakk Alpan's arrest as alleged in reports received by the Special Rapporteur.

The Government reported that on 1 July 1999 he was detained by the Istanbul Directorate of Security. His detention was extended to 3 July 1999 upon a decision of the State Security Court of Istanbul. The Government further reported that his case was then transferred to the Office of the Chief Prosecutor of Tunceli, which extended his detention period to 9 July, in accordance with the law. The Government stated that he was then transferred from Istanbul to Tunceli, where he was imprisoned at the Tunceli prison on 9 July, following an interrogation. It replied that during his interrogation he confessed that he was senior official of the illegal Communist Party of Turkey/Marxist Leninist (TKP/ML-TKKO) organization and that he had participated in many illegal activities of the organization including murders, armed resistance against security forces and other terrorist acts.

1069. On 23 July 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Kemal Ertürk and Bülent Ertürk, who had reportedly been arrested on 15 March 1999 by mandate of the State Security Court in Ankara in connection with an attack on the Governor of Çankiri. They were allegedly forced under duress to admit to the crime and were subsequently transferred to the prison of Eskisehir, Type E, where they had allegedly been ill-treated by the guards and fellow inmates. They had reportedly asked to be transferred to a prison in Ankara.

1070. By letter dated 5 November 1999, the Government confirmed the time and circumstances of arrest and indicated that both confessed to being members of the illegal terrorist organization, the so-called Turkish Workers' and Peasants' Liberation Army (TIKKO). The Government also added that they had been allowed to communicate with their lawyers and that medical reports confirmed that they were both in good health and had not been ill-treated while in detention. The Government also indicated that the prison in Eskisehir is under the jurisdiction of the State Security Court of Ankara and is only a short distance from Ankara. The Government informed the Special Rapporteur that they had started a hunger strike that they voluntarily terminated after having been taken to Eskisehir State Hospital. The Government added that a case brought to the Council of State by the Bar of Istanbul against the Circular of the Ministry of Justice, instructing the transfer of inmates to provinces other than where the crime they are accused of is committed, was under consideration. Therefore, their request for transfer to the Central Prison of Ankara was pending.

1071. On 30 July 1999, the Special Rapporteur sent an urgent appeal on behalf of Yüksel Yiitdoan, who had reportedly been arrested on 26 July 1999 in Izmir. He had allegedly been taken to the Izmir Police Headquarters Anti-Terror Branch and then transferred to the Istanbul Police Headquarters Anti-Terror Branch on 28 July 1999. On 29 July 1999, the Istanbul State Security Court reportedly extended his detention by three days.

1072. On 4 August 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman of the Working Group on Enforced or Involuntary Disappearances on behalf of Selami Altay, who had reportedly been abducted by three armed men in civilian clothes on 26 June 1999 from Gazi Antep E type prison where he had been visiting a relative. The police in Gazi Antep were said to have denied any knowledge of the abduction.

1073. By the same urgent appeal they also intervened on behalf of Ibrahim Alpdoan, a Kurd from Mara province, who had reportedly been taken into custody from his village on 20 June 1999 by soldiers from the Pazarck gendarmerie

command. He was reportedly held in incommunicado detention, either at Pazarck gendarmerie or at the police headquarters in Mara town, but his detention was said not to have been acknowledged by the authorities.

1074. On 14 September 1999, the Special Rapporteur sent an urgent appeal on behalf of Mehmet Çelik who, along with two other men had reportedly been arrested on 7 September 1999 in Diyarbakir city centre. They were reportedly held in incommunicado police detention.

Follow-up to previously transmitted communications

1075. By letter dated 11 December 1998, the Government responded to a communication sent by the Special Rapporteur on 12 October 1998 (see E/CN.4/1999/61, paras. 717-719).

1076. Concerning Zeynep Avci, the Government indicated that she had been arrested on 27 November 1996 on suspicion of having participated in illegal terrorist activities. According to medical reports dated 27 November and 3 December 1996, she was never tortured. Following her trial at the State Security Court of Istanbul on 18 December 1996, she was incarcerated.

1077. Concerning Süleyman Gültekin, the Government indicated that he had been detained on 16 March 1997 for having avoided military service, and handed over to the Military Service Department of Tekirdağ on 8 December 1997. A medical report dated 8 December 1997 stated that he had not been subjected to torture.

1078. Concerning Sevil Dalkıliç, the Government replied that medical reports confirmed that she had not been subjected to torture.

1079. By the same letter, the Government responded to allegations sent in May 1997 regarding the torture of Hikmet Ercişli (see E/CN.4/1998/38/Add.1, para. 424). It indicated that according to information given by the Office of the Governor of Kars he had never been taken into custody.

1080. By the same letter, the Government responded to several allegations sent in February and October 1996 (see E/CN.4/1997/7/Add.1, para. 488 and following).

1081. Concerning Döne Talun (ibid., para. 489), the Government indicated that after her release on 14 January 1995, her father, who was assisted by the Human Rights Investigation Commission of the Grand National Assembly, filed a complaint of ill-treatment at the Chief Prosecutor's Office in Ankara. A decision of "non-prosecution" was subsequently reached. Concerning Can Dogan (ibid., para. 491), the Government indicated that he was released on 21 March 1995 after having been interrogated at the Anti-Terror Branch of the Directorate of Security in Ankara. A medical report issued at the time of his release confirmed that he had not been subjected to torture. Concerning Tyfun Kirs and Rifat Onurca (ibid., para. 492), the Government indicated that no evidence of torture was found by the Forensic Science Institute. Concerning Ali Haydar Efe and Müslüm Efe (ibid., para. 495), the Government indicated that Ali Haydar Efe had jumped out of a window on the third floor of the Directorate of Security building in Ankara, which was confirmed by an autopsy report. A case was lodged by the Public Prosecutor against the police authority, but a decision of "non-prosecution" was reached on 1 April 1997. Müslüm Efe was released on 12 August 1996. Concerning Halil Dinç (ibid., para. 504), the Government indicated that he was not injured, nor detained, during the December 1995 demonstrations.

1082. Finally, by the same letter, the Government responded to two cases sent by the Special Rapporteur in May 1995 (see E/CN.4/1996/35/Add.1).

1083. Concerning Garip Ölmez (ibid., para. 693), the Government confirmed that he died in custody on 10 April 1994, but indicated that the autopsy had revealed that he had not been subjected to torture, but that his death was due to intoxication. It is believed by the Government that, as he was an apiarist, who used chemicals, he may have been intoxicated prior to his detention.

1084. By letter dated 14 December 1998, the Government gave further information on Leşker Acar, on behalf of whom the Special Rapporteur had sent an urgent appeal on 16 November 1998 (see E/CN.4/1999/61, para. 729). It indicated that he assaulted the security forces and caused a riot at the entrance of Elaziğ prison on 5 October 1998. As a result, he was reportedly injured. The Government indicated that the allegations of torture and of solitary confinement were baseless, but that upon complaints lodged against the law enforcement personnel, the Offices of the Chief Prosecutors of Elaziğ and Biyarbakir were investigating the matter. The Office of the Chief Prosecutor of Bitlis decided to transfer the file to the Office of the Governor, which decided on 12 February 1998 not to take judicial action due to a lack of sufficient evidence.

1085. Concerning Abdullah Baskin (E/CN.4/1996/35/Add.1, para. 698), the Government confirmed that he died, according to the Public Prosecutor's Office in "suspicious circumstances", from injuries, at the Batman State Hospital on 4 August 1994. On 3 July 1995 the case was transferred from the Office of the Chief Prosecutor of Kozluk/Batman to the Office of the Governor of Batman for further investigation. Following a decision not to take judicial action by the Governor's Office, the case was appealed by the Higher Court on 9 December 1997 and returned to the Governor's Office. The case was still pending at the time of the Government's response.

1086. By letter dated 26 January 1999, the Government responded to an urgent appeal sent by the Special Rapporteur on 17 November 1998 on behalf of Mehmet Mazaca (see E/CN.4/1999/61, para. 730). The Government indicated that his son had applied to the Chief Prosecutor's Office of Elaziğ on 26 October 1998 for his whereabouts. Several investigations were carried out without success, but it was confirmed that Mehmet Mazaca had never been detained by either the Tunceli or the Elaziğ police. According to the Government, this case has no political or ideological background, but may be linked with a criminal offence.

1087. An information note of 27 July 1999 was received by the Special Rapporteur from the Government outlining a number of the latest steps taken in Turkey on the human rights reform process. The information note referred, inter alia, to an amendment bill on articles 243, 245 and 354 of the Turkish Penal Code which had been submitted to the Grand National Assembly on 5 July 1999. The amendment purportedly brings out a new definition of torture and ill treatment under the said Code, increases the severity of punishment foreseen for crimes of torture, as well as for health personnel involved in faking forensic reports with a view to concealing the existence of torture and ill-treatment.

1088. Finally, on 15 December 1999, the Government informed the Special Rapporteur that the Law on the Prosecution of Civil Servants had been adopted on 2 December 1999 by the Turkish Grand National Assembly and had entered into force on 5 December. An important feature of the new Law is that it sets a "time limit" for the conclusion of cases. Therefore, it prevents impunity due to

statutes of limitations and renders civil servants accountable before courts for any of their offences. According to the new Law, the procedure for the prosecution of civil servants is as follows. The complaint is forwarded to the office of the prosecutor, who in turn informs the government office to which the accused civil servant is attached. The senior officer of this office has authority to decide on the acceptability of the investigation request, within 30 days (45 days in extraordinary cases). The senior officer who does not authorize the investigation has to provide tangible evidence to the prosecutor's office. In the case of approval, the accused officer, and in the case of disapproval, the prosecutor's office may appeal to the Council of State or the regional administrative court for review. These bodies have to give their ruling within three months at the latest, and this ruling is final. Therefore, it takes a maximum of four and a half months to reach the final ruling for the case to be brought to court.

Observations

1089. The Special Rapporteur appreciates the Government's responses and welcomes the law reform measures that would strengthen the prohibition under criminal law of acts of torture and which have substantially amended the Law on the Prosecution of Civil Servants. He still considers that it will be essential to reduce the periods of permitted incommunicado detention to make a substantial impact on the resort by law enforcement officials to torture and similar ill-treatment.

Uganda

Urgent appeals and replies received

1090. On 30 November 1999, the Special Rapporteur sent an urgent appeal on behalf of Mbula Bwambukamo, Jonas Mutamo, Kambale Bahekwa, Commandant Kakule and Commandant Muhendu, all senior members of the armed opposition group Rassemblement congolais pour la démocratie, and François Mwamba, a member of the armed opposition group, Mouvement pour la libération du Congo, who were among 25 persons arrested by the Ugandan army after a senior Ugandan military commander, Major Ikondere, was killed by an armed indigenous group known as Mayi-Mayi, in Butembo, in north-eastern Democratic Republic of Congo, on 14 November 1999. The 25 persons were reportedly arrested around Butembo, North-Kivu province and to be accused of complicity in the killing. Their whereabouts were not known.

Ukraine

Urgent appeals and replies received

1091. On 22 March 1999, the Special Rapporteur sent an urgent appeal on behalf of Yusif Ruzimuradov, a prominent member of the banned Uzbek opposition party Erk, and Muhammad Bekzhon, one of the editors of the party's newspaper, also called Erk, and the brother of Muhammad Salih, the party's exiled leader, who were reportedly facing imminent forced repatriation to Uzbekistan, where they may be at risk of torture. Both men had reportedly been detained on 15 March 1999 in Kiev, during a joint Uzbek/Ukrainian police raid on their apartments. Their arrests are reported to be part of a clampdown on perceived opponents of the President of Uzbekistan, and their families and associates, following a series of bomb explosions in Tashkent on 16 February 1999. According to further

information received by the Special Rapporteur, both had already been deported on 18 March 1999.

1092. By letter dated 24 May 1999, the Government responded to this urgent appeal. It indicated that having examined material received from the Office of the General Prosecutor of Uzbekistan, and in the light of the findings of an inquiry carried out by the Ukrainian Ministry for Internal Affairs, the Office of the General Prosecutor of Ukraine had ascertained that there were no factors impeding the extradition of the above-named persons, as well as two other Uzbek nationals, N. Shripov and K. Dierov. It also specified that their extradition had been in conformity with the procedures laid down in domestic law, as well as with the June 1995 Agreement with the Government of the Republic of Uzbekistan on cooperation in the field of crime control and the January 1993 Minsk Convention on legal assistance and legal relations in civil, family and criminal matters.

United States of America

Regular communications and replies received

1093. By letter dated 15 November 1999, the Special Rapporteur advised the Government that he continued to receive information regarding the use of stun belts and other electro-shock technology (see E/CN.4/1998/38, para. 201). In this regard, the Special Rapporteur transmitted information on the following individual cases.

1094. Jeffrey Lee Weaver reportedly shouted in pain and banged his hands on the table at which he was sitting, when a stun belt he was reportedly wearing in court in Broward County, Florida was activated on 15 April 1999. His hands were reportedly shaking for 10 minutes after the alleged incident.

1095. Brian Hill reportedly fell backwards in his chair and convulsed for a few seconds when the stun belt he was reportedly wearing in the Alameda County Superior Court in Oakland was activated on 7 July 1998. He was reportedly taken to hospital following the incident and released later in the day. The stun belt was reportedly activated when a deputy policeman leaned over in his chair and accidentally pushed the button on the transmitter.

1096. Kenneth Deputy was reportedly electro-shocked by a stun belt activated by a police officer in the Kent County Superior Court, Delaware, in September 1997. The stun belt was reportedly activated causing a very painful electric shock and small burn marks along his left hip and lower back.

1097. Wendell Harrison was allegedly electro-shocked by police officers on 2 August 1996 in a courtroom in Kern County, California. He was allegedly made to wear the stun belt at the request of a sheriff deputy who stated that he had not answered her when asked if he needed to use the toilet and because the sheriff deputy did not like the way he was looking at people in the courtroom. Several years later, he is still allegedly suffering nightmares and loss of sleep as a result of the alleged stunning.

1098. Craig Shelton reportedly suffered intense pain through his entire body, causing him to fall to the floor, as a result of being reportedly twice targeted with electric shocks from a stun belt on 2 April 1996. He was reportedly wearing

the stun belt while he was being transported from Hutchinson Correctional Facility to Larned Correctional Mental Health Facility, Kansas, for medical treatment.

1099. Otis Brock, a 17-year-old inmate in the juvenile wing of Kenton County Jail, Kentucky was allegedly beaten, kicked, verbally abused and twice electrically shocked using a stun gun in December 1998. He was allegedly being punished for refusing to move from an isolation cell. A complaint has reportedly been filed with the Justice Department, the result of which is pending.

1100. Michael Labmeier, an inmate in the Kenton County Jail, reportedly died after a confrontation with jail staff. The confrontation reportedly occurred when prison guards were attempting to move him from an isolation cell to take him to hospital for a psychiatric evaluation. The exact circumstances of his death appear to be unclear. It is alleged that pepper spray had been sprayed into his face and that a stun gun was activated to warn him to cooperate.

1101. The Special Rapporteur has also transmitted to the Government information about the alleged use of stun belts on HIV positive inmates at the New Orleans Parish Prison, Louisiana. At this facility, two categories of prisoners are reportedly required to wear stun belts during transport. One of the groups is high security prisoners who are deemed to pose the greatest risk when being transported. The other group reportedly is inmates from the separate HIV/AIDS unit. This group of prisoners must wear the stun belts during transportation regardless of their security classification. Reportedly, many of the HIV positive inmates in this facility already suffer from infections associated with their HIV status. Concern has been expressed that the use of the stun belt may exacerbate the medical condition of HIV positive prisoners. There have also been reports that HIV positive inmates have been required to sign a waiver consenting to be fitted with a stun belt or else they will be denied transportation to receive medical treatment.

1102. The Special Rapporteur has transmitted to the Government information on the following additional individual cases of alleged ill-treatment.

1103. Roberto Ciaprazi was reportedly subjected to beatings, protracted cell confinement and verbal abuse, on a number of occasions during his incarceration at the Coxsackie Correctional Facility, New York, the Mid-Hudson Psychiatric Center, the Nassau County Jail and the Clinton Correctional Facility. He was allegedly struck in the solar plexus and testicles with a wooden stick by a police officer at his arrest on 6 February 1991 in Nassau County. On 7 February and on 24 March 1991 he was allegedly knocked to the ground, kicked and had his head repeatedly beaten on a concrete floor by four guards at Nassau County Jail. He reportedly later underwent surgery for head lacerations at the Nassau County Medical Centre. On 17 April 1996, he was allegedly assaulted by guards for refusing to go to court when he was reportedly sick. As a result, his face and body were reportedly bruised, he had a broken finger, pain in his back, shoulders, head and neck and difficulties with breathing. No medical treatment was reported to have been provided. He has also allegedly been locked in 24-hour cell confinement for 200 days.

1104. Nicholaus Contreras, a former inmate at the Arizona Boys Ranch for juveniles, was allegedly placed in solitary confinement on 23, 25, 27 and 28 February 1998 for his lethargic effort in exercise and because he had been complaining of feeling ill and tired. On 2 March 1998 he was reportedly isolated

again, allegedly for failing to listen to staff about his attitude to exercise. He was reported to have died later that same day while staff allegedly forced him to do push-ups.

1105. Gil F. Webb, a 17-year-old African American, was allegedly kicked by a police officer, grabbed by the arms, legs and hair and allegedly slammed twice onto a wooden board after he had reportedly been moved from his car, which had crashed after a police chase in Denver, Colorado in March 1997. The responsible officer has reportedly been disciplined by losing five days of his holiday period.

1106. James Parkinson, a mentally ill man, reportedly died in June 1996 in Fairfield, California, after police allegedly shackled him face-down, sprayed him several times with Oleoresin Capsicum ("OC" or pepper spray) and hit him several times with an electric laser gun.

1107. Michael Valent reportedly died as a result of a blood clot in March 1997 after allegedly being held for 16 hours in a restraint chair in Utah State Prison. Apparently his feet were secured with metal shackles and the seat had a hole in it to allow him to defecate and urinate without moving.

1108. Sammy Marshall, a mentally ill prisoner in Quentin Prison, California, reportedly died in June 1997 after guards allegedly used OC spray for more than one hour when he barricaded himself into his cell. A coroner found that the most likely cause of death was an allergic reaction to the OC spray.

1109. Annette Romo, a young pregnant woman in a Maricopa jail, reportedly pleaded in vain with prison staff for medical help when she began bleeding in 1997. She reportedly fell unconscious and was later rushed to hospital, but her baby died.

1110. The Special Rapporteur has also received information on the alleged ill-treatment of prisoners at the Wallens Ridge State Prison, Virginia. Guards have reportedly used arbitrary and punitive measures including random selection of prisoners for beatings at night, allegedly to maintain a climate of fear at the prison. Such ill-treatment is allegedly used to intimidate new arrivals at the prison. It is alleged that some inmates have been denied access to medical care and that other inmates are not requesting medical care for fear of reprisals against them. Other alleged abuses taking place include sleep deprivation by keeping lights on 24 hours a day and alleged verbal abuse, including racist taunts, and threats of violence. In particular, the Special Rapporteur has transmitted information on the following individual case.

1111. Phillip Cordova, who was reportedly transferred recently to the prison from New Mexico was allegedly beaten by guards while in restraints on his first day at the prison on 25 September 1999. According to the information received, guards also used electro-shock stun guns on him and allegedly simulated sodomy against him using the metal lead which is reportedly used to link prisoners' handcuffs to their leg shackles behind their backs.

1112. Finally, the Special Rapporteur brought to the Government's attention information he continued to receive about reported abuse and alleged police brutality in the New York Police Department (see E/CN.4/1998/38, para. 199).

1113. Adner Louima, a Haitian immigrant reportedly suffered serious internal injuries after New York police officers allegedly beat him and one rammed the handle of a toilet plunger into his rectum at a Brooklyn police station in August 1997. According to the information received, in mid-1998, four police officers were awaiting trial on federal charges of assault in connection with this case.

1114. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1995, 1997 and 1998, regarding which no reply had been received.

Urgent appeals and replies received

1115. On 13 January 1999, the Special Rapporteur sent an urgent appeal on behalf of Augustine Abolade Ayoade, a Nigerian asylum seeker who was allegedly in imminent danger of being deported to Nigeria where he was allegedly at risk of being subjected to torture. In January 1998, he was deported from the United States, and was reportedly immediately arrested by Nigerian State Security Agents and imprisoned and tortured over a three-month period. In April 1998, he had escaped from prison and fled to the United States. He had reportedly filed a petition for withholding of deportation.

1116. By letter dated 13 August 1999, the Government replied by outlining the process for adjudicating claims under the Convention against Torture. It also indicated that it is the policy of the United States not to disclose to third parties any information pertaining to any asylum or torture relief claim without the written consent of the applicant. Finally, the Government indicated that if Augustine Abolade Ayoade had filed such a claim under the Convention, he was never in imminent danger of deportation while a claim was pending, and added that it would be up to an immigration judge to determine whether he had a valid claim.

Follow-up to previously transmitted communications

1117. By letter dated 6 July 1999, the Government responded to an urgent appeal sent on 2 November 1998 on behalf of Leonard Peltier (see E/CN.4/1999/61, para. 751). Regarding the prison conditions and allegations of inhumane treatment, the Government indicated that the Bureau of Prisons makes every effort to ensure that all inmates are treated fairly within the scope of established policy and that abusive or inhumane treatment by inmates or correctional staff is neither tolerated nor condoned. According to the Government, Leonard Peltier was placed in disciplinary segregation for refusing to submit to routine urinalysis testing. The Government explained that disciplinary segregation is not equivalent to solitary confinement, but did remove inmates from the general population and restricted an inmate's access to other inmates. It had no influence on visitation rights, although certain other privileges were suspended. Finally, the Government indicated that since Leonard Peltier had been at U.S. Prison Leavenworth, i.e., October 1996, he had been in the general prison population. Regarding the alleged lack of medical care, the Government indicated that he had received proper medical care, in particular in relation to his main complaint, i.e., Temporomandibular Joint Syndrome (TMJ), from the Federal Bureau of Prisons and had been seen by numerous medical specialists. He thus underwent several operations to maintain his jaw opening and movement. In October 1996, he refused any further treatment for his chronic

jaw problem, and in March 1999, it was explained to him by specialists that the TMJ could not be corrected. He has since been given a medical diet.

Observations

1118. The Special Rapporteur appreciates the Government's responses to his urgent appeals, but considers regrettable the failure to respond to communications alleging abuses within his mandate. The perennial nature of this problem cannot be justified by the difficulties inherent in obtaining information within a federal system.

Uruguay

Regular communications and replies received

1119. By letter dated 12 October 1999, the Special Rapporteur communicated to the Government information concerning Luis Soria and Francisco Saavedra who were reportedly tortured on 23 May 1999 by nine uniformed and one non-uniformed officer when they were doing maintenance work on vessels of the British fleet. While they were eating their lunch, a door opened and someone told them to go away because they were in front of a police station. Shortly afterwards, 10 officers allegedly came out through the same door and dragged Luis Soria and Francisco Saavedra by the feet straight inside. Once inside they were reportedly handcuffed and beaten all over their body. Later, they are said to have been taken to Maciel Hospital, being told on the way that if they said anything about what had happened they would be charged with contempt, trespass and disrespect for authority. In the hospital, they were reportedly examined by Dr Gonzalo Ruiz who confirmed the injuries. After that, they were taken to local police station No. 1 and released shortly afterwards. A complaint is reported to have been lodged in the Sixth Rota Criminal Court and with EP-FA members of parliament for referral to the Parliamentary Human Rights Commission.

Uzbekistan

Regular communications and replies received

1120. By letter dated 24 November 1999, the Special Rapporteur advised the Government that he had received information according to which physical abuse of detainees by police and officers serving under the National Security Service is common practice. Violence is allegedly used to extract either confessions or testimony against other detainees. The mistreatment reported ranges from slapping detainees to more systematic beatings using fists, boots and police batons. Torture methods are said to include burning detainees with cigarettes, using a gas mask or plastic bag to suffocate them, handcuffing them in a highly uncomfortable position, inserting a bottle into the anus and using specialized electric shock equipment. Police and security officers are also reported to have threatened to detain family members.

1121. The Special Rapporteur transmitted information on the following individual cases.

1122. Adkhom Mavlianov was reportedly arrested on 8 December 1997 in Namangan and charged with theft and illegal possession of narcotics and bullets. Following his detention, he was allegedly held incommunicado for five days. He

reportedly signed a confession extracted by severe beatings. At his trial, he reportedly repudiated his confession.

1123. Odil Mamatov was reportedly arrested on 8 December 1997 at his home in Namangan on charges of illegal possession of arms and narcotics. He was allegedly beaten until he was bloody, during the first days following his arrest. A gas mask was allegedly put over his face.

1124. Mikhail Ardzinov, the chairman of the reportedly unregistered Independent Human Rights Organization of Uzbekistan (NOPCHU) on behalf of whom the Special Rapporteur previously intervened in September 1998 (see E/CN.4/1999/61, para. 764), was reportedly detained by officers from the Tashkent City Department of Internal Affairs (GUVD) on 25 June 1999. He was allegedly severely beaten and taken to his apartment, where a computer and some documents were confiscated. He was then taken to the GUVD, where he was allegedly beaten again. He reportedly sustained two broken ribs, a concussion, contused kidneys, and cuts and bruises. His detention is allegedly related to his public criticism of the measures taken by the authorities in reaction to a series of bomb attacks in Tashkent.

1125. Abdulkhai and Murod Egamberdiyev were reportedly arrested in Andijan in January 1998 by plain-clothes police officers, two weeks after they had been ordered by their local police station to shave off their beards. The police allegedly beat them and planted a small quantity of narcotics and 10 bullets in their pockets. They were subsequently sentenced to four years' imprisonment for illegal possession of narcotics and weapons.

1126. Isroil Parpiboyev was reportedly arrested on 1 January 1998 in Tashkent and charged, including of terrorism, illegal possession of weapons and of narcotics. During his interrogation, investigators allegedly inserted a bottle of vodka into his anus and poured the vodka on his wounds. He was also allegedly subjected to electric shocks and had cold water poured over him in winter. He was reportedly sentenced to nine years in a strict regime prison.

1127. Nosir Yusupov and his son Jamaliddin were reportedly arrested on 29 December 1997 in Tashkent. Nosir Yusupov was reportedly charged with terrorism, organizing and leading a criminal gang and illegal possession of weapons. Jamaliddin was reportedly charged with attempted premeditated murder, failure to disclose a crime and illegal possession of weapons. Both were allegedly beaten in detention. Nosir Yusupov was allegedly subjected to electric shocks and had a plastic bag placed over his head in order to suffocate him.

1128. Jurahon Azimov, a leader of the reportedly banned political party Birlik, was reportedly arrested by officials of the Administration of Internal Affairs (UVD) of the Andijan region on 28 February 1999. On 17 July 1999, his family was reportedly informed that he had died following a heart attack. Marks of torture, in particular on the left side of his face, and cuts on many parts of his body, were reportedly visible.

1129. Aminov Muhammadjon, an activist of the Mosque-Djame in Andijan, was reportedly arrested on 10 February 1998 on suspicion of illegally storing ammunition. He reportedly died in Andijan prison hospital on 7 February 1999. It was alleged that his fingernails had been pulled out and that a long scar was visible on his chest.

1130. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1996 and 1998, regarding which no reply had been received.

Urgent appeals and replies received

1131. On 26 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Mamadali Makhmudov, a well-known writer, who had reportedly been detained on 19 February 1999 by officers of the Committee for National Security (KNB) on suspicion of links with the exiled leader of the banned Erk opposition party, and Munira Nasriddinova, the wife of the independent Islamic leader, Obidkhon Nazarov, who had reportedly been arrested on 21 February 1999 at her home in Tashkent and taken to a local police station where she and her mother-in-law were allegedly beaten. Both were reported to be held incommunicado in a secret place. They were believed to have been arrested in connection with a series of explosions in the capital, Tashkent, on 16 February 1999.

1132. On 9 March 1999, the Special Rapporteur sent an urgent appeal on behalf of Akhmadkhon Turakhanov, who had reportedly been sentenced to six years' imprisonment on 5 March 1999. He reportedly collapsed in court towards the end of his trial. Although he was reportedly in the prison hospital, it was not known whether he was receiving treatment. He reportedly has diabetes and needs daily insulin injections.

1133. On 30 March 1999, the Special Rapporteur sent an urgent appeal on behalf of Muhammad Bekzhon, Yusif Ruzimuradov, Kobil Diyarov and Negmat Sharipov, who had reportedly been forcibly deported from Ukraine on 18 March 1999. Since then, they had allegedly been held in incommunicado detention in an undisclosed location. Furthermore, the Special Rapporteur transmitted information concerning Umarkhon Nazarov, one of Obidkhon Nazarov's brother (see above), who is said to be wanted by the Uzbek authorities, allegedly for promoting "Wahhabism", an extreme form of Islam, Akhmadali Salomov, his uncle, and Abdurashid Nasriddinov. They had reportedly been arrested in Namangan, on 17 March. Umarkhon Nazarov was reportedly detained at the Namangan regional police department, and Abdumalik Salomov, at the Namangan regional department of internal affairs. Abdurashid Nasridinov, brother of Obidkhon Nazarov's wife, had reportedly been arrested on 17 March and was held in Namangan prison. All three had allegedly been charged with "attempting to overthrow the constitutional order of Uzbekistan".

1134. On 30 April 1999, the Special Rapporteur sent an urgent appeal on behalf of Rustam Mamatkulov and Zeyniddin Askarov, who had been forcibly returned to Uzbekistan from Turkey on the night of 26 March 1999 and were allegedly held "incommunicado" in an uncertain place, probably in or near Tashkent. Both were said to be supporters of Erk and were reportedly arrested in connection with the series of bomb explosions in Tashkent in February.

1135. On 14 July 1999, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Bakhadir Ruzmetov. On 10 July 1999, he had forcibly been returned to Uzbekistan from Russia for allegedly participating in the series of explosions in Tashkent in February. After an alleged unfair trial, six individuals were reportedly sentenced to death on 28 June 1999 for their involvement in the February bombings.

1136. On 15 July 1999, the Special Rapporteur sent an urgent appeal on behalf Ismail Adylov, a human rights activist, who had been detained on 10 July 1999 by two officers, dressed in plain-clothes, from the Ministry of Internal Affairs (MVD). He was allegedly detained for his activities as a member of the Independent Human Rights Organization of Uzbekistan (NOPCHU) and the Birlik (Unity). Although he had reportedly received hospital care for chronic kidney disease, he was in need of further medical attention. He had reportedly been released from the hospital, but was detained a week later at an unknown location.

Observations

1137. The Special Rapporteur notes and shares the concern of the Committee against Torture, in its review of the periodic report of the country under the Convention against Torture, at "the particularly large number of complaints of torture or maltreatment and the small number of subsequent convictions" (CAT/C/23/7, para. 5).

Venezuela

Urgent appeals and replies received

1138. On 10 February 1999, the Special Rapporteur transmitted an urgent appeal on behalf of Juan Bautisat Moreno, Edgar Carvajal and Óscar Cáceres who were reportedly detained between 27 and 29 January 1999 and held in theatre of operations No. 1, State of Apure. It seems that they were detained in connection with an alleged case of abduction that took place in December 1998. According to the information received, Asdrúbal Lozado, Wilfredo Bracho and the 16-year-old Claudio Rivas Espinosa, of Guafitas, were detained at the same time and for the same reason and were also held in theatre of operations No. 1 until their recent release. These persons were allegedly tortured during their detention. The Government Procurator is said to have been informed.

1139. By letter dated 8 March 1999, the Government replied to this urgent appeal, pointing out that Juan Bautisat Moreno was detained on two occasions, firstly, on 6 August 1994 by the Venezuelan Army, who seized from him a sketch showing the location of various CORPOVEN boreholes and some pieces of cable of the kind used for detonating explosives, and, secondly, on 28 November 1996 by officials of the Sectional General Directorate of the Intelligence and Prevention Services for collaborating with Colombian subversion.

1140. On 15 February 1999, the Special Rapporteur transmitted an urgent appeal on behalf of Guismoldo Eregua, who was reportedly detained between 27 and 29 January 1999 and held in theatre of operations No. 1 in Guadalito. He appears to have been detained in connection with an alleged case of abduction of engineers working for the Venezuelan national oil company that took place in December 1998. It should be noted that Guismoldo Eregua was detained in the same circumstances as and together with the persons on whose behalf the Special Rapporteur transmitted the urgent appeal dated 10 February 1999.

1141. On 12 October 1999, the Special Rapporteur and the Special Rapporteur on extrajudicial, summary or arbitrary executions sent a joint urgent appeal on behalf of José Asdrubal Ríos Rojas who on 17 May 1999 was standing at the door of his home in Barrio Isaías Medina Angarita, in Caracas, when a Metropolitan Police team arrived to carry out a search in the house of a neighbour. According

to the information received, when they had finished, one of the officials present ordered him to come over and when he refused three officials allegedly went to find him and gave him a beating in the presence of his wife and children. The police reportedly asked him what he had seen during the search and when he refused to reply motorized officers of the Metropolitan Police belonging, according to the source, to the Antonio José de Sucre Motorized Brigade took him to the police post in Barrio Nuevo Horizonte.

Follow-up to previously transmitted communications

1142. By letters dated 26 May 1996 and 5 November 1998 and urgent appeal dated 13 October 1997, the Special Rapporteur called the Government's attention to the case of Félix Faría Arias, who was reportedly arrested and tortured by members of the Directorate of Intelligence and Prevention Services on 8 March 1997 in Baruta, near Caracas (see E/CN.4/1998/31/Add.1, para. 467). By letters dated 18 May and 18 December 1998, the Government informed the Special Rapporteur that Félix Faría Arias was a suspected member of the guerrilla group Bandera Roja and, according to the information supplied by the National Human Rights Commission, verified by the Government Procurator's Office, was not currently being detained and had not been subjected to torture. Mr Faría Arias, a member of the Human Rights Commission of the Central University of Venezuela, was preparing his bachelor of sociology thesis and did not wish to institute proceedings, after having dropped the complaint he initially lodged with the Government Procurator's Office (under Venezuelan law, a private complaint is required before officials can be sanctioned for torture).

1143. On 30 October 1996, 26 May 1997 and 5 November 1998, the Special Rapporteur transmitted to the Government communications received concerning alleged cases of torture in Venezuela. By letter of 11 December 1998, the Government replied to several of these cases (all these are included in the report E/CN.4/1997/7/Add.1, para. 545), providing the information summarized below.

1144. Luis Escobar Ugas was allegedly arrested and tortured on three occasions between October 1995 and May 1996 by men presumed to be plain-clothes police officers. The Government informed the Special Rapporteur that, in connection with the events of 29 April 1996, it had commissioned Prosecutor No. 36 of the Public Prosecutor's Office for the Metropolitan District of Caracas, who had ordered a medical examination and the necessary investigations.

1145. Luis Javier Rivero Olivares was reportedly tortured by members of the Technical Judicial Police (PTJ) in Maiquetía on 8 February 1995. According to the Government, since 11 March 1998 the case has been in the hands of Prosecutor No. 2 of the Public Prosecutor's Office for the municipality of Vargas in the Federal District, who has not yet been able to establish what actually occurred due to lack of information.

1146. Américo Guzmán was allegedly arrested and tortured on 16 May 1996 in the parish of El Valle by two individuals suspected of belonging to the police. Since 11 March 1998, Prosecutor No. 82 of the Government Procurator's Office for the Caracas Area has been in charge of the investigation, but it has been impossible to establish what actually occurred for lack of information.

1147. Asdrúbal Fernández was allegedly arrested and tortured by members of the PTJ on 22 March 1996 in Guasdualito, State of Apure. On 29 March 1996, a

complaint was lodged in connection with this case against three officials assigned to the PTJ, Guasdualito District; the proceedings are currently in the examination stage.

1148. Danny Ojeda Arrieta was allegedly arrested and tortured on 3 February 1996 by members of the Armed Forces of Cooperation (National Guard) assigned to La Chinita International Airport in Maracaibo, State of Zulia, dying two days later. The Government informed the Special Rapporteur that this case had been referred to the military courts for investigation.

1149. Julio José Núñez Pineda was allegedly arrested and tortured on 12 May 1996 by two plain-clothes police officers of the Special Brigade in Pampán, State of Trujillo. According to the Government, a complaint was lodged against the two officials on 21 May 1996 before the ordinary criminal court of the State of Trujillo. On 16 June 1997, the court ordered that the investigation be kept open, since although the arresting officials had been identified, there was still not sufficient evidence of torture.

1150. Víctor Díaz Ojeda was reportedly arrested on 19 February 1996 and allegedly tortured by members of the National Guard and the PTJ in the State of Apure. According to the Government, there was never any complaint of maltreatment. The detainee merely said that he had health problems and asked for the investigation to be speeded up. The public prosecutor ordered a medico-legal examination which failed to produce anything of significance. Víctor Díaz was acquitted on 26 February 1996 and released.

1151. Baudillo Contreras and others were allegedly subjected to torture by members of the National Guard on 16 November 1995 in Santa Bárbara, State of Barinas. An investigation into the case was opened on 22 November 1995 in respect of a captain and a lieutenant in the National Guard. On 11 March 1998, the First Criminal Court of First Instance of the State of Barinas consolidated the existing proceedings and a decision is awaited.

1152. José Anicasio Rojas was allegedly arrested and tortured by members of the PTJ on 21 January 1996 in Guasdualito, State of Apure. The medical examination to which he was subjected the next day revealed evidence of various injuries and charges were laid against three officials of the CPTJ. Despite two requests by the public prosecutor for the investigation proceedings to be expedited, on 13 February 1997 and again on 21 January 1998, it was still open.

1153. Clodomiro Rivas López and Francisco García Boada were allegedly arrested and tortured on 16 May 1996 by PTJ officials in Tumero, State of Aragua. Upon being medically examined, both showed evidence of injuries and charges were brought against two officials of the PTJ on 15 August 1996. On 14 February 1997, the Criminal High Court of the First Circuit of the State of Sucre declared the case closed on the grounds that the alleged acts were not criminal in nature. Prosecutor No. 1 of the Public Prosecutor's Office in Sucre applied for a review of this decision on 20 February 1997.

1154. Jesús Díaz, aged 16, was allegedly arrested and tortured on 27 January 1995 by members of the National Guard in Antimano, Caracas. After a medical examination revealed injuries, on 16 March 1998 Prosecutor No. 15 for juveniles in Caracas laid an information before the Fifth Criminal Court of First Instance of Caracas, where the case was being investigated.

1155. Jairo A. Carrasquel, a minor, was allegedly arrested and tortured on 12 February 1996 by members of the PTJ in Guasdualito, State of Apure. The Government provided information on the entire procedure to which the minor had been subjected for the alleged offence and on his surrender, on 28 February 1996, to his legal representative under a regular visiting regime. According to the inquiries which the Government had made with the prosecution service and the Coordinator of the local Human Rights Committee, no complaints of torture had ever been made.

1156. Josué Domingo Cuburuco was allegedly arrested on 20 February 1996 by National Guard personnel in El Amparo, State of Apure. The Government reported that he was being detained by Police Detachment No. 2 of the Páez District by order of the Criminal Court of First Instance of the State of Apure, which was trying his case. A medical examination had not revealed any signs of ill-treatment.

1157. Aníbal Ernesto Medina Lares is reported to have died on 29 September 1995 in Nirgua, State of Yaracuy, as a result of ill-treatment at the hands of members of the National Guard. According to the Government, the body was exhumed and there was sufficient evidence to appoint a special examining magistrate. On 13 August 1997, the Fourth Criminal Court of First Instance of the State of Yaracuy issued a detention order against four officials of the National Guard suspected of homicide and against four police officers suspected of concealment. On 28 August 1997, the Court released the four police officers on bail.

1158. Andrés Eloy Blanco, along with others, was allegedly arrested and tortured on 5 October 1995 by members of the Theft Division of the PTJ in Caracas. After the case had passed through various stages of investigation and charges had been brought against seven officials of the PTJ (an inspector, a subdirector, a detective, three police officers and a fingerprint specialist), it was referred to Prosecutor No. 35 of the Public Prosecutor's Office in Caracas. A final judgement had not yet been handed down due to the failure of the persons concerned to respond to a summons to make a statement before the Court on 3 July 1997.

1159. Daniel José Urbano Frisneda, who suffers from partial paralysis, was allegedly arrested and tortured on 6 November 1995 by members of the National Guard in Catia, Caracas. On 11 November, after five days during which his family did not know where he was, he was reportedly taken to Catia detention centre, where he is said not to have received medical attention and to have been made to sign a document he was not allowed to read. In connection with this same case, in addition to the letters mentioned above, on 28 November 1995 the Special Rapporteur sent an urgent appeal. According to the Government, Urbano could not have been made to sign any document since he had made a statement before Prosecutor No. 80. Nor was he in the Catia detention centre and approved school since the competent authority was the La Vega police detention centre in La Vega parish. There was no record of any complaint about ill-treatment by the person concerned or his family or evidence of his requesting medical attention. Urbano had been subjected to a psychiatric medical examination which had failed to reveal any indication of ill-treatment.

1160. The Government acknowledged that the La Vega police detention centre was in a seriously run-down state and noted that remedial action was being taken.

1161. Fabio Pérez was allegedly arrested and tortured by a National Guard lieutenant on 10 February 1995 in Atabapo, State of Amazonas. The Government reported that a medical examination had revealed eye injuries and the complaint lodged with the magistrate in San Fernando de Atabapo had been referred to Prosecutor No. 1 of the State of Amazonas on 13 April 1998, with a view to his taking the action necessary to ascertain the present state of the proceedings.

1162. Buenaventura López Serrano was allegedly arrested and tortured by members of the Technical Centre of the Judicial Police in Páez, State of Apure, on 4 February 1996. According to the Government, he was released on 21 February 1996 and there had been no complaints of ill-treatment.

1163. Ramón Molina Castro was allegedly arrested and tortured by members of the PTJ on 2 May 1996, in Caracas. According to the information provided by the Government, a complaint was lodged against an inspector, seven detectives and two police officers assigned to the CPTJ's Anti-Theft Division. The case was still in the investigatory stage because the alleged assailants had not shown up to make a statement on 4 April 1998.

1164. By the same letter, the Government provided information concerning cases to which it had already replied on 17 June 1997 relating to the following (for all these see E/CN.4/1997/7/Add.1, para. 545 and E/CN.4/1998/38/Add.1, paras. 468-471): Kleiner Alvarado Rodríguez, whose case was assigned to Prosecutor No. 9 for juveniles of the Public Prosecutor's Office in Caracas on 11 March 1998, although lack of information was making it difficult to throw light on this case; José Félix Rivas, who had not complained of ill-treatment and whose detention particulars do not appear in the records of the Intelligence Division of the Metropolitan Police, the unit which, according to the Government's previous information, was responsible for his detention and the investigation of the case; and Jonathan David Rodríguez, in connection with whom no complaint for ill-treatment had come to light.

1165. By letter dated 5 November 1998, the Special Rapporteur communicated to the Government various cases of torture and ill-treatment alleged to have taken place in Venezuela. By letter dated 18 December 1998, the Government provided the following information on these cases.

1166. Wilfredo Alvarado was allegedly arrested and tortured on 16 July 1997 in Barquisimeto, State of Lara, by members of the National Guard (see E/CN.4/1999/61, para. 774). The Government reported that there had been no ill-treatment during his detention since, on 17 July 1997, he was handed over to the Prefecture of the Irribaren Autonomous Municipality, State of Lara, in perfect physical condition and had never lodged any complaint with the competent bodies.

1167. Arnold Blanco, aged 15, was allegedly arrested on 13 July 1996 and tortured at the PTJ juvenile detention centre in Caracas (see E/CN.4/1999/61, para. 769). According to the Government, the investigation of his case was supervised by the Sixth Prosecutor for juveniles to whom he confessed that he had inflicted wounds on himself in order to be brought quickly before a juvenile court. On 23 July 1996 he was transferred to the Centro Ciudad de Caracas for a decision by the Fifth Juvenile Court.

1168. Luiris Elena Flores Acosta, aged 16, was reportedly arrested and tortured by members of the PTJ on 14 March 1996 in Ocumare del Tuy (see E/CN.4/1999/61, para. 768). According to the information provided by the Government, she

remained in the Juvenile Annex of the Ocumare del Tuy State police station's juvenile section, while the suspected theft which led to her detention was being investigated. When the legal detention period expired, she was handed over to her legal representative, who was required to produce her to the First Juvenile Court, when so requested.

1169. Yuraima Lara was allegedly arrested and tortured on 16 October 1997 in Petare by members of the local police force of Sucre, State of Miranda, the ill-treatment having allegedly been inflicted in the barracks of the Directorate of Intelligence and Prevention Services (DISIP) (see E/CN.4/1999/61, para. 773). According to the information provided by the Government, Yuraima Lara made a statement to the DISIP in the presence of a public prosecutor, having herself refused to prefer charges against those who had detained her.

1170. Sisco Torbello Cordero was allegedly arrested and tortured on 20 March 1998 by members of the PTJ in Barquisimento, State of Lara (see E/CN.4/1999/61, para. 775). The Government reported that, having been taken to PTJ Detachment No. 5 in Barquisimento, he declared before a prosecutor that he had not been ill-treated. However, on 25 March 1998, medical examinations indicated that Sisco Torbello had suffered injuries. The General Directorate of Human Rights of the Procurator General's Office had urged the Fifth Prosecutor to open an investigation.

Observations

1171. The Special Rapporteur appreciates the detailed and informative responses to the recommendations contained in the report of his visit to the country (see E/CN.4/1997/7/Add.3, and Addendum 1 to the present report). He considers that the new legal protections for persons deprived of liberty in the Organic Code of Criminal Procedure (COPP) are exemplary and should go far towards restricting opportunities for torture and similar ill-treatment to take place. He particularly welcomes the right of access to a lawyer from the moment of detention and the obligation to produce the detainee before a judge within 48 hours thereof. The provision that only a statement made before a judge will now have probative value is an important protection. The substantial restriction of the "nudo hecho" proceeding in relation to acts committed by public officials is also an important contribution to avoiding impunity in respect of abuses by such officials. The clarification of judicial responsibility for inspecting prisons is also a valuable step. Independent inspection of places used for detention before transfer to a prison, especially police stations, is a measure that, if implemented, should act as a further safeguard against abuse.

1172. The Special Rapporteur nevertheless remains concerned at the wall of judicial impunity disclosed by the Government's responses (for which he is also grateful) on previously transmitted cases and as noted by the Committee against Torture in the conclusions and recommendations on its review of the periodic report of the country under the Convention against Torture (A/54/44, para. 137).

Yemen

Urgent appeals and replies received

1173. On 11 January 1999, the Special Rapporteur sent an urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers on behalf of Abu

al-Hassan al-Medhar, Ahmed Mohammad Ali Atif and Sa'ad Mohammad Atif, reportedly arrested in connection with the kidnapping of 16 tourists which led to an armed clash in which several persons were killed. They were allegedly held in incommunicado detention, some in shackles. It was further reported that Moshin Ghalain, Shahid Butt, Malik Nassar Harhra, Ghulam Hussein and Samad Ahmed, all British citizens, as well as others whose names were not known, had been arrested in late December 1998 under suspicion of planning bomb attacks in Aden and having contacts with the group suspected of the above-mentioned kidnappings. Some of these persons had reportedly been tortured and held in incommunicado detention.

1174. On 16 September 1999, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Omar Ibrahim Dagah, who had reportedly been arrested on 27 August 1999 by the Political Security Branch of the security forces after an explosion in the Tuwahi area of Aden. Since then, he had been held in incommunicado detention. He was reportedly held in shackles and handcuffs and looked weak and exhausted. On 15 September, his family had reportedly learnt from security officials that he had confessed to carrying out the bombing and that he would soon appear in court.

Yugoslavia (Federal Republic of)

Regular communications and replies received

1175. By letter dated 19 November 1999, the Special Rapporteur advised the Government that he had received information of violence, including beatings, in connection with a demonstration in Pec on 18 March 1998. Around 97 people were allegedly beaten by the police on the day of the demonstration, at a number of locations, including an area near the railway line where police allegedly stopped the gathering demonstrators from entering the town to join the protest. In particular, the Special Rapporteur received information on the following case.

1176. Besa Gaxhere, a member of the Women's Forum of the Democratic League of Kosovo, had reportedly joined several thousand citizens in a series of demonstrations supposedly called to protest the killings of dozens of people in the Drenica area of Kosovo province. A large group of police reportedly suddenly rushed at the crowd and allegedly began to beat them. She reportedly sustained blows from truncheons and was punched by policemen who allegedly blamed her for organizing the protests.

1177. The Special Rapporteur has further been advised of alleged police violence directed towards some of the people who attended a demonstration on 19 March 1998 in the centre of Kosovka, Mitrovica. Four men were stopped by police and beaten as they entered the town to take part in the demonstration. At least one of the men was reported to have been seen walking with difficulty as a result of his injuries.

1178. The Special Rapporteur has also received information of the alleged beating and detention of demonstrators in Leskovac on 6 June 1999. The demonstrators were reportedly protesting for the release of Ivan Novkovic, who had been sentenced to 30 days in prison on 5 June 1999, supposedly for arranging an anti-governmental protest without giving advance warning to the authorities.

Police in riot gear allegedly beat demonstrators in order to disperse the demonstration.

1179. On 9 November 1999, a large number of persons, including Ivan Markovic, a student, Predrag Milosavljevic and Olivera Obradovic, who were peacefully protesting against the Government were reportedly injured by the police. Most of the persons injured are reported to be students or media workers.

1180. The following specific cases have been transmitted to the Government by the Special Rapporteur with respect to a demonstration which reportedly took place on 18 March 1999 in Pristina. Vlora Maliqi was allegedly struck down and beaten by police. She was allegedly beaten by six policemen who kicked her all over her body, pulled out her hair and then turned her over to hit her on her back and stomach. The resulting injuries she was reported to have sustained included bruises to her face, back, legs and arms. Naser was reportedly stopped by police when he was returning home from the same demonstration. He was reportedly taken by police officers to a school building, where he was allegedly beaten by police using truncheons. Bruises over his body, including his back, consistent with his allegations were reportedly still visible a few days later.

1181. The Special Rapporteur also transmitted information on the following individual cases which are summarized below.

1182. Besim Rama and Avni Nura were reportedly detained by the police on 17 September 1996. They were allegedly tortured while they were questioned by investigating magistrates. In addition, Besim Rama's brother, Osman Rama, was reportedly bundled into a car and taken to an unknown location, where he was allegedly beaten and questioned by the police about his brother's political activities. He was later released and then detained again for a further six days' interrogation, during which he was allegedly tortured before being released.

1183. Jonuz Zeneli was reportedly arrested on 30 April 1997 and indicted on charges of terrorism. On 16 October 1997, before his trial was to commence, he died in Belgrade Central Prison. He had reportedly been transferred there from the prison hospital in Lipljan. He had been in hospital because of kidney pain allegedly caused by torture in prison.

1184. Nait Hasani was reportedly arrested by police in Pristina on 28 January 1997. He was later transferred by police to a hospital in Pristina as he was in a coma caused by alleged police beatings. He was later reportedly abducted from the hospital by police on 31 January 1997 and taken to an unknown location, where he was allegedly tied to a bed and tortured by police by electric shocks and other ill-treatment. He was reportedly brought before an investigating magistrate on 28 February, whom he told that he had been tortured by police.

1185. Ferdian Iberdemaj, aged 16, from Pec in Kosovo, was reportedly taken by the police to the hills near Brestovik village on 2 September 1997. He was allegedly beaten by the police with rubber pipes and truncheons while he was held for several hours.

1186. Ismet Gjocaj was reportedly stopped on 21 November 1997 by a police patrol as he and a friend were cutting wood near the border between Kosovo and Albania. He was allegedly threatened by the police and then taken to his home, which the police reportedly proceeded to search. He was then reportedly ordered

by the police to report to the police station on 25 November. On that day, he reported to the police and made a statement about what had happened to him on 21 November 1997. He died on 27 November. Photographs of his body reportedly indicate that his body had freshly-inflicted multiple bruising, predominately to the back, buttocks and arms. This bruising was allegedly inflicted with a baton, truncheon or similar object; and the majority of the wounds were inflicted from behind.

1187. Five men, including Mehmet Memcaj, were arrested in and around Prizren on 27 or 28 February 1998 and taken into custody. They were reportedly accused of having placed a bomb in Prizren, possessing and smuggling arms and being members of an organization called the National Movement for the Republic of Kosovo. They were denied access to their lawyers until 3 March and were still then unable to speak with them confidentially. While in prison, they were allegedly tortured by police officers with electric shock batons to extract confessions from them, allegedly because they had given "incomplete statements" to investigating magistrates.

1188. Soko Rugovac was reportedly stopped by the police in Pec in Kosovo on 12 April 1998, while taking a taxi from the bus station to his aunt's house. He was reportedly taken to the main police station, where he was lead to the basement. When he was being interrogated by police, he reportedly admitted that he had voted for Milo Djukanovic at the Montenegrin parliamentary elections held in May 1997. The police allegedly branded the letters "MILO" on his chest with a hot iron, cut lines on his chest with a knife, and punched and slapped him. Following the incident, the Montenegrin Ministry of the Interior supposedly issued a protest to the equivalent Serbian Ministry, calling for action against the police officers involved. In subsequent newspaper reports, apparently the Pec police station had claimed the whole story was invented by Montenegrin police.

1189. Arsim Krasniqi was reportedly arrested on 30 April 1998 while carrying out his work as a street sweeper in Pristina. The police first questioned him about the Kosovo Liberation Army and then kicked and beat him with truncheons on the street. The beating reportedly continued when he was later taken to the police station. At the police station he was also reported to have been handcuffed to a radiator while police allegedly tortured him by carving out a cross on his chest.

1190. Besa Arllati, Chairperson of the Information Commission of the Djakovica Branch of the Democratic League of Kosovo, was reportedly arrested by two police inspectors on 26 May 1998 and subsequently taken to the local police headquarters. They reportedly gave no reason for her arrest. The Chief Inspector allegedly lost his temper and began to hit her violently, drawing blood. He then reportedly questioned her about the whereabouts of various ethnic Albanians. She was reportedly then taken to a cellar fouled by urine and faeces, where she was left for 30 hours and where she was allegedly ordered to stand up every hour. She was reportedly released the following day with orders to return the next day. On that day, she was detained until mid-day, during which time she was allegedly subjected to verbal abuse and questioning about the activities of the Democratic League of Kosovo. Upon her release she reportedly sought medical attention, complaining of headaches and dizziness.

1191. Qamil Xhemajli was arrested in Kosovo on 31 January 1997 by the police. He was reportedly interrogated about arms which he had allegedly used to kill

police officers. When he denied possessing any such weapons, the police allegedly punched him on the face and body. He was reportedly later taken to the police station in Urosevac, where the police allegedly chained him to a metal cupboard and beat him. One and a half days later he was reportedly transferred to Gnjilane prison, where he was allegedly further beaten by the police before being released. Medical reports two weeks later confirmed that he had a broken rib and bruises to his head and body.

1192. Dr. Aferdita Zuna, Suzana Capriqi and Linda Salihu, members of the staff of the University of Pristina, who were reportedly holding regular end-of-term meetings to discuss routine administrative matters on 10 June 1998, were allegedly beaten by police officers with rubber truncheons and long batons as they attempted to leave the building which a group of police had allegedly burst into. The majority of the blows were reported to be directed at their heads and bodies. Later, medical treatment was reportedly sought for the injuries, which were said to include bruising, wounds, fractures and shock.

1193. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1998 and 1997, regarding which no reply had been received.

Zambia

Regular communications and replies received

1194. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information according to which law enforcement officials have used excessive force to disperse peaceful demonstrations. In particular, the Special Rapporteur has received information according to which on 13 August 1997, street vendors began a public protest after their stalls were burnt down by unknown arsonists in the makeshift "Soweto Market" in the downtown area of Lusaka. Hundreds of heavily armed paramilitary police officers allegedly began to beat both rioters and uninvolved passers-by with batons and fired tear gas canisters at groups of people found in the downtown area. The officers allegedly continued the assaults in Chibolya, Misisi and John Howard townships near the "Soweto Market" upon anyone they found. Jane Mwamba, a vendor, reportedly fell down while trying to run with her baby. A policeman allegedly kicked her repeatedly to the extent that she could no longer walk. It is alleged that the police were so brutal that two rioters were beaten to death. According to the information received, no police officers were disciplined or prosecuted in connection with the injuries and alleged deaths of the street vendors during the police operation.

1195. The Special Rapporteur has also transmitted the following cases.

1196. Several persons from in Limalunga village, near Mongu city in the Western Province, were reportedly arrested after the alleged killing by the police of Milupi Sitwala and Kalumiana Muyangwa Libuku on 11 February 1998. After angry villagers reportedly vandalized the Limalunga police post by breaking windows and starting a fire, officers arrived from Mongu police post in riot gear, and reportedly started to beat about 30 villagers with their rifle butts and short batons. The officers broke the left arm of one villager, Josias Imasiku Mushala, and bayoneted him in the left foot three times, then allegedly denied him medical attention for eight days. Police officers arrested about a dozen persons and took them to Mongu police post, where Masiye Lowendo and Siseho Sinaali and

at least two others were allegedly tortured every night by beatings with a spanner, a hand axe, a metal gear shaft and short batons. After reportedly holding the detainees for four nights in overcrowded cells without water, food or medical treatment, nor access to family members or lawyers, the police finally allowed them to have a meal and to meet with their lawyers on 15 February 1998. Most of the detainees were eventually released on bail on 19 February 1998. Only then did the injured men receive medical care. A police inspector-general reportedly intervened to have Kalumiana Muyangwa Libuku flown to Lusaka for treatment for a gunshot wound to his stomach. He was later returned to Limalunga by ambulance at police expense. The inspector-general reportedly ordered an investigation after media reports of the incident conflicted with the local commanding officer's account. On 4 August 1998, one police constable involved appeared in court on charges of murdering Milupi Sitwala, but frequent adjournments delayed the start of the trial until 22 February 1999. However, the State reportedly began the trial of four Limalunga villagers in 1998, prosecuting Siseho Sinaali and three others for allegedly assaulting police officers and damaging the police post in Limalunga. Despite an internal police investigation into the incident, none of the approximately 50 officers involved in the alleged beatings of the villagers have reportedly been disciplined or charged with any offence.

1197. Evans Kapaso was reportedly arrested on 7 August 1997 by two constables from Mungwi police post in Mungwi district. He was allegedly beaten on his chest and hand with a heavy wooden pestle (Umwinshi). He had reportedly been arguing with a police constable over the cost of a live chicken. He reportedly went to the police station to lodge a complaint and obtain a "medical report" form issued by the police for treatment. Without this form it is unlawful for an individual to be treated by a medical practitioner for injuries. He was reportedly arrested by the officer on duty who accused him of assaulting a fellow officer. Upon taking him into a police cell, the officer on duty allegedly ordered five other detainees to hold Evans Kapaso down and he was then allegedly beaten with a pounding stick on his chest. He reportedly vomited blood. He was eventually released the following day, after his wife allegedly paid a 20,000 Zambian Kwacha bribe to the police officers to release her husband. The police reportedly refused to provide him with a medical report form, so he only received medical attention after the intervention of a district official of the ruling party, who threatened to take action against the officer in charge of Mungwi police post. A medical professional at the Rural Health Centre in Mungwi reportedly noted that Evans Kapaso had "general body pains especially to the chest because of having been beaten by someone". The local authorities - the Joint Council and Ward Development Committee - reportedly wrote a letter to the Commanding Officer of the Northern Division of the police service on 11 September 1997. Both constables who allegedly tortured Evans Kapaso were reportedly transferred to other police posts in the province and have not been disciplined or prosecuted. The police have reportedly made no attempt to investigate the allegations.

Urgent appeals and replies received

1198. On 12 March 1999, the Special Rapporteur sent a joint urgent action with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on behalf of Amos Malupenga, Goodson Machona, Brighton Phiri, Joe Kaunda, Kelvin Shimo and Lubasi Katundu, all journalists with the independent Post newspaper, who had reportedly been arrested on 9 and 10 March 1999. Lubasi Katundu and Kelvin Shimo were said to be detained at Woodlands

police station in Lusaka, and Joe Kaunda was said to be detained at Chilanga police station, outside Lusaka. Amos Malupenga, Goodson Machona and Brighton Phiri have been held in incommunicado detention in an unknown place since their arrest. All the journalists are believed to have been arrested in connection with a lead article on the low military capabilities and unprepared state of the Zambian army in the face of a possible threat from Angola.

Zimbabwe

Regular communications and replies received

1199. By letter dated 6 October 1999 sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur advised the Government that he had received information on the following cases.

1200. Mark Chavunduka, editor of the independent Sunday newspaper, The Standard, was reportedly arrested on 12 January 1999 by the military police in Harare and detained incommunicado for six days at Cranborne military barracks. Ray Choto, chief reporter for the same newspaper, was reportedly arrested on 19 January 1999 by the police. It is alleged that they were arrested in connection with an article published on 10 January 1999 regarding the arrest of 23 military officers for plotting a coup in December 1998. Both journalists have reportedly sustained serious injuries as a result of torture suffered during their detention at the military police station. They were allegedly beaten with fists, wooden planks and rubber batons, and subjected to electric shocks. Both were reportedly released on 21 January 1999.

Urgent appeals and replies received

1201. On 9 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Grace Kwinjeh, a journalist, and Dr. Ibbo Mandaza, publisher of the Zimbabwe Mirror newspaper. They had reportedly been arrested on 8 February 1999 by the Criminal Investigation Division (CID) of the Zimbabwe Republic Police. Both, as well as Fernando Goncalves, an editor, and Ferai Mungazi, a former editor, were said to have been charged with allegedly publishing a false report "likely to cause fear, alarm or despondency among the public". The charges are in connection with an article published in the Zimbabwe Mirror on 30 October 1998 which reported that a Zimbabwean family had received just the head of their son, a soldier in the Zimbabwe National Army killed in the Democratic Republic of Congo, where the army is deployed.

Information transmitted to the Palestinian Authority

Regular communications

1202. By letter dated 24 November 1999, the Special Rapporteur advised the Authority that he had received information on the following case.

1203. Fathi Subuh, a university lecturer at al-Azhar University in Gaza, was reportedly arrested by the Preventive Security Service (PSS) on 2 July 1997. According to the information received, the previous month he had set the questions for an examination for his Critical Thinking course at the university. Two questions asked students to write about corruption in the Palestinian Authority and in the university. He was allegedly initially detained

incommunicado in the Tel al-Hawa Prison under PSS in Gaza. He was allegedly hung from behind by his hands with his feet off the ground, forced to balance for long periods on his toes, and was allegedly beaten and deprived of sleep. He was reportedly released on 26 November 1997.

1204. By the same letter, the Special Rapporteur reminded the Authority of a number of cases transmitted in 1998, regarding which no reply had been received.

Urgent appeals

1205. On 10 March 1999, the Special Rapporteur sent an urgent appeal on behalf of Bilal Yehya Al-Ghoul, a 15-year-old student. On 12 February 1999, he had reportedly been arrested at his house in Moghraqa, in the south of Gaza, by the General Intelligence Services, and has since then been detained in incommunicado detention. It is alleged that his arrest is related to the fact that his father escaped from a Palestinian prison on 11 December 1998.

IV. CONCLUSIONS AND RECOMMENDATIONS

1206. In paragraph 20 of its resolution 1999/32, the Commission encouraged the Special Rapporteur to continue to include amongst his recommendations proposals on the prevention and investigation of torture, taking into account information received on training manuals, training activities and specialized devices aimed at facilitating the practice of torture.

1207. As reported above (para. 7), the Special Rapporteur participated in two meetings at which the Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) was adopted and further dissemination discussed. The Manual is based on and closely follows the form and content of the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (ST/CSDHA/12, Sales No. E.91.IV.1). The Special Rapporteur understands that the Manual is to be in principle issued by the Office of the United Nations High Commissioner for Human Rights in its Professional Training Series, commends the Office for its initiative and hopes that it will be widely disseminated in as many languages as possible.

1208. An appendix to the Manual contains "Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment". These principles are modelled on the paragraphs dealing with investigation contained in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 and endorsed by the General Assembly in its resolution 44/162 (1989). They seek to apply to the problem of torture the same principles of investigation - with adaptations reflecting the specific subject-matter - as apply to extra-legal executions. They do not break new ground.

1209. Accordingly, the Special Rapporteur commends these Principles, which are annexed to the present report, to the attention of the Commission. He believes that their utility could be further enhanced were they to receive the endorsement of the Commission and, for that matter, of the Economic and Social Council and the General Assembly, and he so recommends.

Annex

PRINCIPLES ON THE EFFECTIVE INVESTIGATION AND DOCUMENTATION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

1. The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment (hereafter torture or other ill-treatment) include the following:

(i) Clarification of the facts and establishment and acknowledgment of individual and State responsibility for victims and their families;

(ii) Identification of measures needed to prevent recurrence;

(iii) Facilitating prosecution and/or, as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible, and demonstrating the need for full reparation and redress from the State, including fair and adequate financial compensation and provision of the means for medical care and rehabilitation.

2. States shall ensure that complaints and reports of torture or ill-treatment shall be promptly and effectively investigated. Even in the absence of an express complaint, an investigation should be undertaken if there are other indications that torture or ill-treatment might have occurred. The investigators, who shall be independent of the suspected perpetrators and the agency they serve, shall be competent and impartial. They shall have access to, or be empowered to commission, investigations by impartial medical or other experts. The methods used to carry out such investigations shall meet the highest professional standards, and the findings shall be made public.

3. (a) The investigative authority shall have the power and obligation to obtain all the information necessary to the inquiry. The persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige all those acting in an official capacity allegedly involved in torture or ill-treatment to appear and testify. The same shall apply to any witness. To this end, the investigative authority shall be entitled to issue summonses to witnesses, including any officials allegedly involved, and to demand the production of evidence.

3. (b) Alleged victims of torture or ill-treatment, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigation. Those potentially implicated in torture or ill-treatment shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation.

4. Alleged victims of torture or ill-treatment and their legal representatives shall be informed of, and have access to, any hearing, as well as to all information relevant to the investigation, and shall be entitled to present other evidence.

5. (a) In cases in which the established investigative procedures are inadequate because of insufficient expertise or suspected bias, or because of the apparent existence of a pattern of abuse, or for other substantial reasons, States shall ensure that investigations are undertaken through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any suspected perpetrators and the institutions or agencies they may serve. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles 1/.

5. (b) A written report, made within a reasonable time, shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. On completion, this report shall be made public. It shall also describe in detail specific events that were found to have occurred, the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The State shall, within a reasonable period of time, reply to the report of the investigation and, as appropriate, indicate steps to be taken in response.

6. (a) Medical experts involved in the investigation of torture or ill-treatment should behave at all times in conformity with the highest ethical standards and in particular shall obtain informed consent before any examination is undertaken. The examination must conform to established standards of medical practice. In particular, examinations shall be conducted in private under the control of the medical expert and outside the presence of security agents and other government officials.

6. (b) The medical expert should promptly prepare an accurate written report. This report should include at least the following:

(i) Circumstances of the interview: name of the subject and names and affiliations of those present at the examination; the exact time and date; the location, nature and address of the institution (including, where appropriate, the room) where the examination is being conducted (e.g. detention centre, clinic, house, etc.); the circumstances of the subject at the time of the examination (e.g. nature of any restraints on arrival or during the examination, presence of security forces during the examination, demeanour of those accompanying the prisoner, threatening statements to the examiner, etc.); and any other relevant factor;

(ii) History: a detailed record of the subject's story as given during the interview, including alleged methods of torture or ill-treatment, the times when torture or ill-treatment is alleged to have occurred and all complaints of physical and psychological symptoms;

(iii) Physical and psychological examination: a record of all physical and psychological findings on clinical examination, including

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1/ Under certain circumstances, professional ethics may require information to be kept confidential. These requirements should be respected.

appropriate diagnostic tests and, where possible, colour photographs of all injuries;

(iv) Opinion: an interpretation as to the probable relationship of the physical and psychological findings to possible torture or ill-treatment. A recommendation for any necessary medical and psychological treatment and/or further examination should be given;

(v) Authorship: the report should clearly identify those carrying out the examination and should be signed.

6. (c) The report should be confidential and communicated to the subject or his or her nominated representative. The views of the subject and his or her representative about the examination process should be solicited and recorded in the report. It should also be provided in writing, where appropriate, to the authority responsible for investigating the allegation of torture or ill-treatment. It is the responsibility of the State to ensure that it is delivered securely to these persons. The report should not be made available to any other person, except with the consent of the subject or on the authorization of a court empowered to enforce such transfer.